THE LAW

RELATING TO

INDIA,

AND

THE EAST-INDIA COMPANY;

WITH

NOTES AND AN APPENDIX.

FIFTH EDITION.

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PREFACE.

The present improved edition of a work, which may almost be regarded as the standard one on the subject to which it is devoted, needs little prefatory remark. On the first appearance of the volume, many years since, it secured the approbation of the legal profession in this country; and it has constantly been consulted by its most eminent members in all branches, whenever information was sought on the peculiar portion of the law to which it relates. Every successive edition has been subjected to a rigorous system of revision; and that now presented may fairly lay claim to the character of a new work. The great changes which, within the last few years, have been made in the law have contributed to this in some degree; but much more has been effected by the introduction of an increased number of notes, historical, explanatory, and illustrative. By these the laws passed at different times, under different influences, and with different views, are connected with each other in a manner which throws no inconsiderable light on the history of the Government of India at home and abroad. The reader has thus before him not a mere lifeless string of Acts, or parts of Acts, but such an exhibition of the state of the Law as falls little short of an historical digest.

It will probably be observed that some parts of the law, as that relating to the Customs Duties, received into former editions, have been omitted from this. The exclusion took place on the suggestion of very high authority, it being considered that the matter in question increased the bulk of the volume without adding proportionately to its utility or value. This, it is believed, will be the opinion of most persons who have occasion to consult the work, which now corresponds more faithfully than heretofore with its title, "The Law relating to India and the East-India Company:" the Editor therefore submits the above explanation with confidence.

All that is necessary to be added is, that the collection is brought down to the close of the last session of Parliament—the first session of 1854.

THE LAW

RELATING TO

INDIA

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EAST-INDIA COMPANY.

CHARTERS FROM THE CROWN.

The first Charter for erecting an East-India Company was granted by Queen Elizabeth and dated the 31st December, 1600. The Corporation thus created was denominated "The Governor and Company "of Merchants trading into the East-Indies," and the powers and privileges granted to it were limited to Fifteen years from the previous Christmas-day; but by further Charter or Letters Patent granted to the Company by James the First, under date the 31st May, 1609, the powers and privileges therein contained, whether renewed or then first granted, were to be for ever. Other Charters or Letters Patent were subsequently granted, viz. by Charles the Second, dated the 3rd April, 1661, by which the rights and privileges of the Company were ratified, confirmed, and extended, subject to revocation of the grant on Three years' notice: by Charles the Second also, 27th March, 1669, granting to the said Governor and Company the Port and Island of Bombay, ceded to the British Crown by the King of Portugal, under treaty 23rd June, 1661: again by Charles the Second, on the 16th December, 1674, making a like grant of the Island of St. Helena, previously settled by the Company, but taken from them by the Dutch, and afterwards retaken by a royal force under Captain Mundane: by the same Sovereign, 5th October, 1677, confirming to the Company the powers before granted; and also by

Charles the Second, 9th August, 1683, giving, among other powers, the important one of establishing Courts of Judicature for the repression of offences: by James the Second, 12th April, 1686: by William and Mary, 7th October, 1693, again confirming the rights and privileges of the Company, subject to its acceptance of such orders, directions, additions, alterations, restrictions, and qualifications, as the King in Council should think fit to make or appoint at any time before the 29th September, 1694; under which proviso Supplementary Charters or Letters Patent were issued at two different dates, viz. the 11th November, 1693, and the 28th September, 1694. By a like instrument from William the Third, dated the 13th April, 1698, regulations for the distribution of votes and for other purposes were made.

On the 5th September, 1698, William the Third incorporated a second East-India Company, under the name of the "English "Company trading to the East-Indies." To this Company the commerce with India was exclusively committed, with the exception that "the Governor and Company of Merchants trading to the East-"Indies" (the old Company), were to be permitted to carry on their trade until the 29th September, 1701. On the 22nd July, 1702, an Indenture Tripartite was made between Queen Anne of the first part; the old Company of the second part; and the new Company of the third part. The object of this was the union of the two Companies at the end of seven years. Several of the covenants are of temporary interest, and the greater part of them relate to trade. By one of them permission was given to the old Company to convey Bombay and Saint Helena to the new Company. By other articles the old Company covenanted to surrender their Charters in two months after the expiration of the said seven years into the Queen's hand, and the Queen engaged to accept of such surrender; and from thenceforth the new Company was to be called *The United Company of Merchants of England trading to the East-Indies*, whose affairs were to be conducted by their own sole Directors, agreeably to the Charter of the tenth of King William the Third. And lastly, the Queen declared that this Indenture should be construed in the most favourable sense for the advantage of both Companies.

By Indenture Quinquepartite, dated 22nd July, 1702, made between various parties, the old Company conveyed to the new Company all their forts, settlements, and dead stock of every description.

By an Act 6 Anne, cap. 17, all matters of difference between the two Companies were referred to the Earl of Godolphin, who was to settle the terms and conditions of union, and whose award was to be binding. That award was made on the 29th September, 1708, and in compliance with it the old Company, on the 27th October following, by Indenture enrolled in Chancery, assigned to the Queen the debts due to the Company; which debts the Queen, on the 22nd April, 1709, granted to the new Company.

And by Deed Poll enrolled in Chancery, dated 22nd March, 1709, the old Company, in pursuance of Lord Godolphin's award, and for the entire extinguishment of their corporate capacity, having granted, surrendered, yielded, and given up to the Queen, her heirs and successors, their corporate capacity or body politic, of Governor and Company of Merchants of London trading into the East-Indies, and all their charters, capacities, powers, and rights, for acting as or continuing to be a body politic or corporate, by virtue of any Acts of Parliament, Letters Patent, or Charters whatever; the Queen by Letters Patent, dated the 7th May in the same year, accepted the surrender; and thus, the right of trading to the eastward of the Cape of Good Hope, together with the government of the Forts and Settlements possessed by the English in India, became vested in the "United Company of Merchants of England trading to the East-" Indies."

Thus the Charter granted by William the Third to the new Company, became the foundation of the United Company. This Charter, after reciting an Act lately made and passed in Parliament, entitled "An Act for raising a Sum not exceeding Two Millions, upon " a Fund for Payment of Annuities, after the Rate of Eight Pounds " per Centum per Annum, and for settling a Trade to the East-Indies;" and reciting also the appointment of a Commission for receiving the subscriptions, the transmission into the Exchequer of the duplicates of the subscriptions for two millions (see 9 & 10 Wm. 3, cap. 44, sec. 62, and the note on 3 & 4 Wm. 4, cap. 85, sec. 11), the incorporation of the "General Society," on the third of the instant month, and the desire of the Subscribers to be united in a Joint Stock, proceeds to endow the Company with various privileges, and to make various provisions for its regulation. From the following selection of parts of this Charter everything of temporary application, or which has

been annulled by later authority, is excluded, except so far as it was inseparable from matter necessary to be retained, or requisite for its explanation; and in such cases the obsolete matter is distinguished by being printed in *italics*.

The Subscribers incorporated.

Now know ye, That in pursuance of the powers and clauses for this purpose contained in the said Act of Parliament, and of our gracious promise and declaration made in and by our said commission or letters patent, whereby the subscriptions and contributions on the said Act have been promoted and encouraged: and by virtue of our prerogative royal, and likewise of our especial grace, certain knowledge and mere motion, we have given, granted, made, ordained, constituted, declared, appointed, and established, and by these presents for us, our heirs and successors, do give, grant, make, ordain, constitute, declare, appoint, and establish, That the said Subscribers herein last before particularly named, and every of them, and all and every person and persons, bodies politic and corporate, who, as executors, administrators, successors, or assigns, or by any other lawful title derived, or to be derived from, by, or under the same Subscribers, shall have and be entitled to any part, share, or interest, of or in the said yearly fund, by the said Act settled as aforesaid, or of or in the proportionable annuities or yearly payments, issuing out of the said yearly fund, so long as they respectively shall have any such part, share, or interest therein, to be one body politic and corporate, *by the name of the English Company trading to the East-Indies, and them by the name of the English Company trading to the East-Indies*, one body politic and corporate, in deed and in name, really and fully for ever, for us, our heirs and successors: we do make, declare, and establish by these presents, and *by the same name* they and their successors shall have perpetual succession, and shall and may have and use a common seal, for the use of business and affairs of the said Company and their successors, with power to break, alter, and make new their seal from time to time, as to them shall seem expedient; and *by the same name* they and their successors from time to time, and at all times for ever hereafter, shall be able and shall be a body politic and corporate, capable in law to have, take, purchase, receive, hold, keep, possess, enjoy, and retain, to and to the use of them and their successors, any manors, messuages, lands, rents, tenements, liberties, privileges, franchises, hereditaments, and possessions whatsoever, and of what kind, nature, or quality soever; and moreover to purchase and acquire all goods and chattels whatsoever, wherein they are not restrained by the said Act: and also to sell, grant, demise, alien, or dispose of the said manors, messuages, lands, rents, tenements, privileges, franchises, hereditaments, possessions, goods, and chattels, or any of them; and *by the same name* they and their successors shall and may sue and implead, and be sued and impleaded, answer and defend, and be answered and defended in Courts of Record, or any other place whatsoever, and before whatsoever judges, justices, officers, and ministers, of us, our heirs and successors, and in all and singular pleas, actions, suits, causes, and demands whatsoever, of what kind, nature, or sort soever, and in as large, ample, and beneficial manner and form, as any other body politic and corporate, or any other liege people of England, or other our dominions, being persons able and capable in law, may or can have, take, purchase, receive, hold, keep, possess, enjoy, sell, grant, demise, alien, dispose, sue, implead, defend, or answer, or be sued, impleaded, defended, or answered in any manner of wise; and shall and may do and execute all and singular other matters and things *by the name aforesaid*, that to them shall or may appertain to do by virtue of the said Act or otherwise, *subject nevertheless to the proviso and condition of redemption in the said Act mentioned* (1), *and to all and every other restrictions, limitations, clauses, pro-*

To have perpetual succession and a common seal.

And may purchase lands, &c., goods, and chattels.

Power to sue and be sued.

Subjects of redemption of all restrictions in the Act 9 & 10 Wm.

visos, and conditions, in the said Act contained, and to such other restrictions, covenants, agreements, matters and things, as are hereafter in these presents expressed. 3, cap. 44, and this Charter.

(1) [See note on sec. 74, of 9 & 10 Wm. 3, cap. 44.]

The trade of the Company having been suspended, by Act 3 & 4 Wm. 4, cap. 85, the limits of the Charter in that respect are for the present unimportant; but reference being frequently made to them for other purposes, it has been thought expedient to insert that part of the Charter in which they are defined.

May for ever hereafter freely trade

And our will and pleasure is, and we hereby for us, our heirs and successors, grant, direct, and appoint that *the said English Company trading to the East-Indies, and their successors, shall and may for ever hereafter, by themselves, or by such factors, agents, or servants, as they severally shall think fit to intrust, freely traffic and use the trade of merchandize in such places, and by such ways and passages as are already frequented, found out, or discovered, or which shall be hereafter found out or discovered, as they severally shall esteem and take to be the fittest and best for them, unto and from the East-Indies,* into the countries and parts of Asia and Africa, and unto and from the islands, ports, havens, cities, creeks, towns, and places of Asia, Africa, and America, or any of them beyond the Cape of Bona Esperanza to the Straits of Magellan, *where any trade or traffic of merchandize is or may be used or had,* and to and from every of them.

to and from the East-Indies.

After various provisions, temporary and commercial, the following occurs:

An account to be delivered yearly in the month of October to the Privy Council on oath.

And that the Directors of the said *English Company trading to the East-Indies,* and their successors for the time being, do and shall give in and deliver unto us, our heirs and successors, in our or their Privy Council, yearly and every year, in the month of October, a true account or inventory, fairly written, and signed by two or more of the Directors of the said Company for the time being, containing the nature, quantity, quality, value, and prime cost of all such goods of the growth, product, or manufacture of this our kingdom of England as in the last preceding year have been exported by the said Company; together with the place, town, or port, from whence the said goods were exported to the East-Indies; and that oath be made of the truth of such account or inventory by the proper officers or servants of the said *English Company trading to the East-Indies,* who shall keep their books for the entry of goods outwards to the best of their knowledge, and that none of the said goods or commodities so exported shall be again landed in our kingdom of England, dominion of Wales, or town of Berwick upon Tweed, or be carried to any country or place but unto the East-Indies, or some place within the limits aforementioned.

The remainder of the clause relates to the supply to the Crown of a certain quantity of saltpetre by the Company; and the succeeding clause grants to the new Company the same allowances and discounts on the prompt payment of Customs, which were granted to the old Company by Charter on the 28th September, 1694.

The following clause is the next in order.

To maintain a minister and schoolmaster at St. Helena, and ministers at their factories in India,

And we do hereby further will and appoint, That the said Company, hereby established, and their successors, shall constantly maintain *a minister and schoolmaster, in the Island of St. Helena, when the said Island shall come into the hands or possession of the same Company*(1); and also one minister in every garrison and superior factory, which the same Company or their successors shall have in the said East-Indies, or other the parts within the limits aforesaid; and shall also in such garrison and factories respectively, provide, or set apart, a decent and convenient place for Divine service only; *and shall also take a chaplain on board every ship which shall be sent by the same Company to the said East-Indies, or other the parts within the limits aforesaid, which shall be of the burthen of five hundred tons, or upwards, for such voyage, the salary of which chaplain shall commence from the time that such ship shall depart from England*(2): and, moreover, that no such minister shall be sent by the same Company to the said East-Indies, or other the parts within the limits aforesaid, until he shall have been first approved of by the Archbishop of Canterbury, or the Bishop of London, for the time being; all which said ministers so to be sent, shall be entertained from time to time with all due respect.

and a chaplain on board every ship of 500 tons:

by whom ministers to be approved.

(1) [St. Helena was transferred to the Crown by Act 3 & 4 Wm. 4, cap. 85.]

(2) [In consequence of the suspension of the Company's trade, they have no mercantile shipping.]

They are obliged to learn Portuguese and the native language.

And we do further will and appoint, that all such ministers as shall be sent to reside in India, as aforesaid, shall be obliged to learn, within one year after their arrival, the Portuguese language, and shall apply themselves to learn the native language of the country where they shall reside, the better to enable them to instruct the Gentoos, that shall be the servants or slaves of the same Company, or of their agents, in the Protestant religion; *and that in case of the death of any of the said ministers, residing in the East-Indies, or other the parts within the limits aforesaid, the place of such minister, so dying, shall be supplied by one of the chaplains out of the next ships that shall arrive at or near the place where such minister shall happen to die.*(1)

(1) [*Vide* the last note.]

Schoolmasters to be provided.

And we do hereby further will and direct, that the said Company, and their successors, shall, from time to time, provide schoolmasters, in all the said garrisons and superior factories where they shall be found necessary.

The twenty-four Directors, or any thirteen, to be a Court.

And for the better ordering, managing, and governing the affairs of the same Company, and for the making, and establishing, a continual succession of persons to be the Directors of the same, we do, by these presents, for us, our heirs, and successors, grant unto the said body politic, *so called The English Company trading to the East-Indies,* and to their successors, and do hereby ordain and appoint that there shall be, from time to time, for ever (of the members of the said Company), twenty-four Directors, of and in the same Company; which Directors, or any thirteen or more of them, shall be and be called a Court of the Directors, for the ordering, managing, and directing the affairs of the same Company and Corporation, and shall have such powers and privileges as are hereinafter mentioned.(1)

(1) [By 16 & 17 Vict. cap. 95, sec. 2, the number of Directors is

reduced to Eighteen; Ten to be a sufficient number to form a Court.]

After naming the first Directors, and declaring that they shall continue in office until the 25th March, 1700, and until others shall be chosen, the Charter proceeds,—

And we do further, by these presents, for us, our heirs and successors, give and grant unto the said *English Company trading to the East-Indies*, and their successors, and we do hereby ordain, will, and appoint, that it shall and may be lawful, to and for all and every the members of the same Company hereby established, from time to time, to assemble and meet together at any convenient place or places, for the choice of their Directors, and for making of by-laws, ordinances, rules, orders, or directions, for the government of the said Company, or for any other affairs or business concerning the same; and that all the members of the same Company, or so many of them as shall be so assembled, shall be and be called a General Court of the said Company or Corporation, which Court shall assemble and meet at such times and in such manner as hereafter is directed; and that all succeeding Directors of the same Company shall, from and after the said twenty-fifth day of March one thousand seven hundred, be *yearly and* successively chosen, and for ever, out of the members of the same Company, *on some day or days, time or times, between the twenty-fifth day of March and the twenty-fifth day of April in each year*(1), by the majority of votes of all and every the members of the same Company, *having then each of them five hundred pounds, or more, share or interest in the stock of the same Company*(2), *and who shall be personally present at such elections*(3), *each of them to have and give one vote, and no more*(4); and that every particular Corporation, or body politic, that shall have *five hundred pounds*, or more, share or interest, of or in the stock of the said Company, in respect thereof, at every such election, and at all General Courts of the said Company, *shall have one vote for the whole share or interest of such particular Corporation, or body politic, and no more*(5); which votes, for such particular Corporations or bodies politic, shall and may be given by such person or persons as shall be deputed thereunto, under the common seal, or common seals, of such particular Corporation, or bodies politic, respectively; and the said succeeding Directors so chosen, shall severally and respectively continue in their respective offices or trusts, to which they shall be severally elected, *for one year*(6), and till others shall be duly chosen and sworn into their places respectively.

Members may meet to choose Directors, and make by-laws.

Members so assembled, called a General Court.

All succeeding Directors to be chosen between 25th of March and 25th of April.

None to give more than one vote.

A Corporation may send a vote by a deputy.

(1) [By 17 Geo. 3, cap. 8, sec. 1, the time of Election is restricted to a particular day in each year,—the second Wednesday in April.]

(2) [By 13 Geo. 3, cap. 63, sec. 3, no Proprietor is entitled to vote in General Court, unless possessed of Stock to the amount of £1,000; nor unless such Stock be held in his own right, and not in trust; nor until the requisite amount shall have been held for Twelve calendar months, except the Stock shall have been acquired by bequest, marriage, succession, the custom of the City of London, or under deed of settlement after the death of a person having a life interest in the dividends. By the same Act, Six Directors only were

to be annually elected, each to serve for Four years. But by 16 & 17 Vict. cap. 95, a part only of the Directors are to be chosen by the Proprietors, the rest by the Crown. The elections or appointments to be biennial, and the term of service Six years, save in exceptional cases. The Act last quoted also provides that all the Directors appointed by the Crown, and a proportion of those elected by the Proprietors, shall have resided in India Ten years.]

(3) [By 3 & 4 Wm. 4, cap. 85, sec. 27, Proprietors, resident within the United Kingdom, may vote by Letter of Attorney at Ballots for election of Directors, under certain prescribed conditions.]

(4) [By 13 Geo. 3, cap. 63, sec. 4, every Proprietor of £3,000 Stock is entitled to Two votes. £6,000 Stock gives a right to Three votes, and £10,000 to Four votes, which is the maximum.]

(5) [See Notes (2) and (4).]

(6) [Altered by 13 Geo. 3, cap. 63, sec. 1, and again by 16 & 17 Vict. cap. 95, sec. 3 to 9.]

The surviving Directors may assemble the Members to elect other Directors in room of any deceased, removed, or avoided.

Provided nevertheless, that in case of death, avoidance, or removal of any of the Directors of the said Company for the time being, the survivors of them, or the majority of those remaining in their office, shall and may at any time assemble together the Members of the said Company, in order to elect other persons, by Members qualified to vote, *in manner aforesaid* (1), in the room of those then dead, removed, or avoided.

(1) [See Notes (2) and (4) on preceding Section. It must be understood that this clause can apply only to vacancies among the Directors who are chosen by the Proprietors.]

The Charter goes on to declare, that no person or persons shall be, or be esteemed qualified or capable to be, an elector to vote, or shall give any vote at any General Court or otherwise, for an election of the Directors, or any of them, or for or concerning the making of By-laws, or in any other matter relating to the affairs or government of the same Company, who shall not at the time of the said General Court have in his or her or their name and right, and for his, her, or their own use, and not in trust for any other, *Five hundred Pounds* or more share or interest in the said capital Stock of the said Company; and who shall not, at the time of holding such General Court, take an oath thereafter mentioned (or if a Quaker make declaration of the like import), if required thereunto by any member or members of the said Company then present, having each Five hundred Pounds Stock or

interest at least in the Stock, before two or more of the Directors of the same Company. It also provides that no member shall give more than one vote. The amount of qualification has been raised, and the restriction as to the number of votes removed, as already noticed. The forms of oath and affirmation were superseded by another form prescribed in the 13th Geo. 3, cap. 63, sec. 6, and rendered obligatory upon every Proprietor before voting at any election or ballot in General Court, whether required by any other Proprietor or not. The necessity for taking an oath on such occasions has, however, been altogether dispensed with by a By-law, framed under 5 & 6 Wm. 4, cap. 62, sec. 8. [See By-laws, chap. VII. sec. 11.]

Deputy of a Corporation to make the like oath to the best of their knowledge.

Provided also, that such person or persons as shall be deputed as aforesaid to vote for any particular Corporation, or body politic, making the like oath or declaration (*mutatis mutandis*), to the best of his or their knowledge and belief, for or on the behalf of such particular Corporation or body politic for whom he or they are to give such voice or voices as aforesaid, shall be capable of voting at any of such General Courts as aforesaid.

Two Directors empowered to administer the oath.

And we do by these presents, for us, our heirs and successors, give full power and authority to any two or more of the Directors of the same Company, for the time being, to give and administer the said oaths and declarations to the said members and deputies, and do hereby order and direct them to administer the same accordingly: Provided also, and we do hereby, for us, our heirs and successors, constitute, ordain, and appoint, that no person shall be capable of being chosen a Director of the said Company, who shall not, at the time of such choice, be a natural-born subject of England, or naturalized, and shall not also then have in his own name, or in his own right, and for his own use, two thousand pounds or more in the said stock (1); and that no Director or Directors shall continue in his or their respective offices longer than the continuance of such their respective interests and stocks, in their own names and rights, and to their own uses respectively; but upon parting with, or reducing his or their respective shares or interest in the said stock, to any lesser sum or sums than as aforesaid (1), the said respective offices or places of such Director or Directors, so parting with, reducing, or diminishing their said shares or interest, as aforesaid, shall cease, determine, and become vacant, and others shall be chosen in their room by a General Court of the same Company.(2)

No person to be a Director but who hath £2,000 stock in his own right; nor to continue longer than he keeps the same.

(1) [Reduced by 16 & 17 Victoria, cap. 95, sec. 10, to £1,000.]

(2) [Or by the Crown, as the case may be.]

Some Regulations respecting the oath to be taken by Directors, which follow in the Charter, are here omitted. They were superseded by the 33 Geo. 3, cap. 52, sec. 160; the oath prescribed by that Act having been confirmed and adopted by 53 Geo. 3, cap. 155, sec. 76. By 16 & 17 Victoria, cap. 95, sec. 13, another form of oath is prescribed.

Directors to give an oath to their agents and servants.

And furthermore, our will and pleasure is, and we do hereby for us, our heirs and successors, ordain and appoint, that the said Court of Directors shall have power and authority to administer an oath to all the inferior agents or servants that shall be employed in the service of the same Company, for the faithful and due execution of the several places and trusts in them reposed, in the words or to the effect following (that is to say):

"I, *A. B.*, being elected into the office or place of Treasurer to the *English Company* "*trading to the East-Indies*, do swear, that I will be true and faithful to the said Company, "and will faithfully and truly execute and discharge the said office or place of Treasurer to "the utmost of my skill and power. So help me God."

And the like oath to the other agents and servants (*mutatis mutandis*).

It is then provided that a Director, by neglecting to take the required oath within ten days, voids his election.

Four General Courts to be held in a year.

And we do hereby will and appoint, that the said Directors, or the major part of them, for the time being, shall from time to time, and they are hereby required so to do, to summon and appoint four General Courts at least in every year, whereof one to be in the month of December, another in the month of March, another in the month of June, and another in the month of September.

In failure thereof, three Directors may summon.

And we do further will and appoint, that if at any time or times there should be a failure of holding a General Court in any of the said months, by default of the Directors, or the major part of them, that then and so often, and in every such case, three or more of the Directors of the said Company shall and may summon and call a General Court, which shall meet and be holden in the month next coming after the month in which the same should have been holden upon the summons of the majority of the Directors aforesaid.

A General Court to be summoned on the demand of nine members, within ten days:

and in default, the said nine members may summon,

and may displace any Director for mismanagement.

And moreover, we do by these presents, will, direct, and appoint, that the said Directors, or the major part of them, for the time being, shall from time to time, upon demand to be made by any nine or more of the said members, having each of them five hundred pounds, or more, interest or share of the said stock, within ten days after such demand, summon and call such General Courts to be held of the members of the same Company *qualified for electors as aforesaid* (1); and in default of the said Directors, or the major part of them, to summon and call such Court, it shall and may be lawful to and for the said nine or more members, having each five hundred pounds stock as aforesaid, upon ten days' notice in writing, to be fixed upon the Royal Exchange in London, to summon and hold a General Court, *and there to do and despatch any business relating to the government or affairs of the said Company*, and to hear and debate any complaint that shall be made against any Director or Directors for mismanagement in his or their office or offices; and if such Director or Directors shall not clear him or themselves of such complaint to the satisfaction of the major part of the members of the same Company in the said General Court assembled, that then within ten days another General Court shall be called, and held as aforesaid, of the members of the same Company, *qualified to vote as aforesaid* (1), finally to determine the same *by the majority of their votes as aforesaid* (1), who may remove or displace all or any of the said Directors for such misdemeanors or abuse of their offices, and elect and choose others in his or their room *in manner before prescribed* (1); and in every such case where any Director or Directors shall happen to die or be removed, or his office shall otherwise become void before the expiration of the term for which he shall have been elected, the major part of the members of the same Company to be

assembled in a General Court, and being qualified *as aforesaid* (1), shall and may elect and choose any other member or members of the said Company, qualified as aforesaid, into the office of such Director or Directors that shall so die or be removed, or whose office shall become void; which person so to be chosen shall continue in the said office until the next usual time hereby appointed for election, and until others shall be duly chosen and sworn, unless he shall be removed as aforesaid.(1)

(1) [By 13 Geo. 3, cap. 63, sec. 3, no Proprietor can vote at any General Court unless possessed of £1,000 Stock. This amount of Stock also now constitutes the qualification for a Director. The power of displacing a Director by the General Court can obviously only be exercised with regard to those elected by such Court.]

The Directors, or any thirteen, may hold Courts, &c., and shall act according to the by-laws, and where they are wanting, shall do all the business of the Company,

And for the better ordering and managing of the affairs of the same Company, we do by these presents, for us, our heirs and successors, grant, and we do by these presents will, authorize, and appoint, that the said Directors for the time being, *or any thirteen or more of them* (1), shall and may from time to time, and at all convenient times, assemble and meet together at any convenient place or places for the direction and management of the affairs and business of the same Company, and then and there to hold Courts of the Directors, for the purpose aforesaid, and summon General Courts to meet as often as they shall see cause; and that the said Directors, or the major part of them so assembled, shall and may act according to such by-laws, constitutions, orders, rules, or directions, as shall from time to time be made and given unto them by the General Court of the said Company; and in all cases where such by-laws, constitutions, orders, rules, or directions, by or from the General Court, shall be wanting, the said Directors, or the major part of them so assembled, shall and may direct and manage all the affairs and business of the same Company, *in the direction of all the voyages of or for the same Company, and the provision of the shipping and merchandizes thereunto belonging, as also the sale of the merchandizes, goods, and other things returned in all or any the voyages or ships of or for the same Company*, and in the transacting and handling of all other matters and things touching and concerning the same Company; and shall and may choose and appoint the agents or servants, which shall from time to time be necessary to be employed therein, and to allow and pay reasonable salaries and allowances to the said agents and servants respectively; and them, or any of them, from time to time to remove or displace as they shall see cause; and generally to act and do in all matters and things whatsoever, which by the said recited Act of Parliament shall or may be done, and in all matters and things whatsoever which they shall judge necessary for the well-ordering and managing of the same Company and the affairs thereof; and to do, enjoy, perform, and execute all the powers, authorities, privileges, acts, and things in relation to the said Company, as fully, to all intents and purposes, as if the same were done by the whole Company, or by a General Court of the same; subject nevertheless to such restrictions, limitations, rules, or appointments, as are contained in the said recited Act of Parliament, or in these presents, in that behalf.

as they shall judge necessary.

(1) [Now Ten or more.]

The General Court to make by-laws for calling in money, making dividends,

And we do hereby for us, our heirs and successors, grant to the said *English Company trading to the East-Indies*, that all and every the said members qualified for electors as aforesaid shall have full power, and they are hereby authorized, in the General Courts or Assemblies aforesaid, by majority of their votes *as aforesaid*, to make and constitute reasonable by-laws,

constitutions, orders, and ordinances from time to time, *as well for raising, and calling in and payment of moneys for an additional joint stock, for the better carrying on and managing the said trade, and for the applying and proportioning the profit, advantage, and produce arising by the joint stock and trade, as for the good government of the said trade to the East-Indies, and other the parts aforesaid, and of the factors, agents, officers, and others concerned in the same;* and to inflict reasonable penalties and punishments, by imprisonments, mulcts, fines, or amerciaments for any breach or breaches thereof; and to levy such fines, mulcts, or amerciaments to the use of the said Company and their successors, so that such by-laws be not repugnant to the laws of this our kingdom, and be confirmed and approved according to the Statutes in such cases made and provided; all which mulcts, fines, and amerciaments shall and may be recovered and received, to the only use and behoof of the said Company and their successors, without any account, or other matter or thing, to be therefore rendered to us, our heirs or successors.

and government of the Company.

A provision which succeeds, fixing the time for holding the first General Court under the Charter, is here omitted.

Books of account of the principal and additional stock to be kept by an accountant, and to be by him attested on oath if required.

Provided always, and for the ascertaining and limiting how and in what manner, and under what rules as well the principal stock or yearly fund, as also any additional stock which the said Company shall acquire, or which any member or members thereof shall or may advance or pay in to the said Company, *for the managing or carrying on the said trade*, or the shares or interests of the several members of and in the principal and additional stock, shall and may be assignable and assigned, transferable and transferred, by such person and persons, corporation or corporations, as shall from time to time have any interest or share in the same; we do hereby direct and appoint, that the same Company and their successors shall cause an accountant to keep a book or books in the public office or place of meeting of the same Company, to be provided for that purpose, and therein fairly to enter or cause to be entered from time to time the amount as well of the principal joint stock of the same Company, as of such additional stock (if any be) as aforesaid; the same to be by him attested upon oath, if required; which said book or books shall from time to time lie open to be viewed.

Method of making transfers.

And we do hereby, for us, our heirs and successors, pursuant and according to the power given unto us by the said Act of Parliament, order, limit, direct, and appoint, that the method and manner of making all assignments and transfers, as well of the said principal stock and fund as of the additional stock of the same Company, or any part thereof, shall be by an entry in the said book or books, signed by the party so assigning or transferring, in the words or to the effect following, *viz.*—

By the person present.

"MEMORANDUM, That I, *A. B.*, this day of in the year of our Lord
" do assign and transfer of my
" interest or share (or being my share or interest) in the principal stock, and
" in the additional stock and fund of *The English Company trading to the East-Indies*, and
" all benefit arising thereby unto his executors, administrators, and assigns.
" Witness my hand ."

By letter of attorney,

Or in case the person assigning be not personally present, then by an entry in the said book or books signed by some person thereunto lawfully authorized, by letter of attorney or writing duly sealed and attested by two or more witnesses in the words or to the effect following, *viz.*—

"Memorandum, That I, *A. B.*, this day of in the year of our Lord
" by virtue of a letter of attorney from dated the
" day of in the said year do in the name and on the behalf of
" assign and transfer of the interest or share (or
" being the share or interest) of the said in the principal stock and fund,
" and in the additional stock of *The English Company trading to the East-*
" *Indies*, and all benefit arising thereby, unto his executors, administrators,
" and assigns.

" Witness my hand ."

And that the entry signed as aforesaid, and no other way or method, shall be the manner and method used in the passing, assigning, or transferring the interest or share in the said stock and fund; and such transfer or assignment shall be good and available, and convey the whole estate and interest of the party transferring or ordering the same to be transferred.

and by no other way.

Provided always, that any person having any share or interest in the said stock and fund, may dispose or devise the same by his last will and testament, attested by three (1) or more credible witnesses; but, however, that such devisee shall not transfer the same, or be entitled to receive any dividend, until an entry or memorandum of so much of the said will as relates to the said stock and fund be made in the said book or books, to be kept by the said Company for that purpose.

Stock may be devised by will, but the devisee not to receive or transfer till a memorandum be entered, &c.

(1) [By 7 Wm. 4 & 1 Vict. cap. 26, all property may be passed by will attested by two or more witnesses.]

And we do hereby will and appoint, that in all cases where there shall be an equality or equal number of votes in any General Court, or in any Court of Directors, to be holden as aforesaid, the matter shall be determined by lots, which the Treasurer for the said Company shall cause to be prepared and drawn for that purpose.(1)

In case of equality of votes, the matter to be decided by lot.

(1) [Restricted by 53 Geo. 3, cap. 155, sec. 77, to cases of elections to office or place where there shall be more than one candidate.]

Provided nevertheless, that all matters and things which the said Directors, or the major part of them, shall, in manner as aforesaid, order and direct to be done by sub-committees, or other persons appointed under them, shall and may, by virtue of such orders, be done by the said sub-committees, or other persons so appointed.

Business may be done by sub-committees.

Here follow some commercial regulations, not necessary to be inserted.

And we do, of our more especial grace, certain knowledge, and mere motion, for us, our heirs and successors, give and grant unto the said *English Company trading to the East-Indies*, that the said Company, for the time being, shall and may have the ordering, rule, and government of all such forts, factories, and plantations, as shall be, at any time hereafter, settled by or under the said *English Company*, within the East-Indies, and parts before mentioned, and shall and may name and appoint governors and officers, from time to time, in and for the said forts, factories, and plantations, and them to remove and displace at their will and pleasure; and that such governors and officers shall and may, according to the directions of the same Company, raise, train, and muster such military forces as shall or

The Company to have the government of all their forts, &c., and to appoint governors and other officers:

and may raise forces to defend the said forts, &c.

may be necessary for the defence of the said forts, places, and plantations respectively; the sovereign right, power, and dominion, over all the said forts, places, and plantations, to us, our heirs and successors, being always reserved.(1)

The sovereign right reserved.

(1) [Regulated by various Acts of Parliament, especially 33 Geo. 3, cap. 52, sec. 9; 53 Geo. 3, cap. 155, secs. 80, 81; 3 & 4 Wm. 4, cap. 85, secs. 25, 42, 58.]

Some directions, no longer in force, for the establishment of Courts of Judicature, are omitted.

The Company to enjoy all privileges in London that any Company of Merchants did, or do, or may enjoy.

And further, we do, for us, our heirs and successors, give and grant to the said *English Company trading to the East-Indies*, hereby established, that they shall enjoy, to all intents and purposes, all privileges in the City of London as fully as any company of merchants established by Letters Patents granted heretofore by us, or any of our predecessors, at present do or may enjoy, or formerly did and might enjoy the same.

All admirals, &c., to be assisting.

And further, we do hereby, for us, our heirs and successors, charge and command all and singular admirals, vice-admirals, generals, commanders, commissioners of our customs, mayors, sheriffs, justices of the peace, comptrollers, waiters, searchers, and other officers and ministers, of us, our heirs and successors, whatsoever, to be, from time to time, in all things, aiding, helping, and assisting, unto the same Company, and their successors, or any employed by them, upon request made, as they tender our displeasure.

This Charter to be construed in the most beneficial sense for the Company.

And we do, for us, our heirs and successors, grant and declare, that these our Letters Patents, or the enrolment thereof, shall be in and by all things valid and effectual in the law, according to the true intent and meaning of the same, and shall be taken, construed, and adjudged in the most favourable and beneficial sense, for the best advantage of the said Company, as well in our Courts of Record as elsewhere, notwithstanding any non-recital, mis-recital, defect, uncertainty, or imperfection, in these our Letters Patents.

The Charter is ordered to be passed without fine or fee, and concludes thus:

Will grant any further lawful powers and privileges upon request.

And we do hereby, for us, our heirs and successors, covenant, grant, and agree, to and with the said Company and their successors, that we, our heirs and successors, shall and will, from time to time, and at all times hereafter, upon the humble suit and request of the said Company and their successors, give and grant, unto them, all such further and other powers, privileges, authorities, matters and things, which we or they can or may lawfully grant, and as shall be reasonably advised, and devised, by the council learned of the same Company, and their successors, for the time being, and shall be approved by our attorney, or solicitor-general, on our behalf. In witness whereof, we have caused these our letters to be made patents. Witness, Thomas, Archbishop of Canterbury, and the rest of the keepers and justices of the kingdom, at Westminster, the fifth day of September, in the tenth year of our reign.

It has been shown how the old and new Companies became "The "United Company of Merchants of England trading to the East-Indies." By 3 & 4 Wm. 4, cap. 85, sec. cxi., it is enacted, that the Company may be described as "The East-India Company."

STATUTES.

9 & 10 GULIELMI III. Cap. XLIV.

AN ACT *for raising a sum not exceeding Two Millions, upon a Fund for payment of Annuities, after the Rate of Eight Pounds per Centum per Annum, and for settling the Trade to the East-Indies.*

[Although the commercial character of the East-India Company is in abeyance, it has been deemed necessary to insert the following Section of this Act, to elucidate the Charter of William III., that Charter having been granted under its authority. See the note introducing the extracts from the Charter.]

Persons entitled to particular shares in the principal stock of "The General Society entitled to the advantages given by an Act of Parliament for advancing a sum not exceeding two millions for the service of the Crown of England," may be incorporated into a Company, to trade with a joint stock, &c., by such proper name as his Majesty shall think fit.

LXII. And be it further enacted by the authority aforesaid, that if the said whole sum of two millions, or one moiety, or any greater part thereof, shall be subscribed on or before the said nine-and-twentieth day of September, one thousand six hundred and ninety-eight, and all or any corporations, or other person or persons, having particular shares or interest in the principal stock of the said General Society, or in proportionable annuities or yearly payments issuing out of the said yearly fund, shall be willing and desirous to unite or join together such their several shares and interests, and to be incorporated so as they may be able to manage their trade (in proportion to their interests) as a Company, and by a joint stock, that then it shall or may be lawful to and for his Majesty, by Letters Patents under the Great Seal of England, to incorporate all such persons and corporations by such proper name as his Majesty, his heirs or successors, shall think fit, to be one Company, with power to manage and carry on their trade to the East-Indies, and other the limits aforesaid, by a joint stock, and to have a perpetual succession, and a common seal, and with power to grant and take, sue and be sued, and to choose their own managers or directors, and officers, from time to time, and such other powers and clauses as shall be necessary or requisite for the carrying on of such trade, and shall be reasonable for his Majesty to grant; nevertheless, such Company, so to be created with power to trade with a joint stock, as aforesaid, shall be restrained to such proportion of the trade in the whole, as all the particular members thereof would have been entitled to at the rate before mentioned, in case such new Company were not made; and the directors or managers, and other members of the same, shall be subject to such further rules, qualifications, and appointments, as his Majesty in their Charter shall think necessary or reasonable to be inserted.

Section 75 may also properly be inserted with reference to the Bond Debt of the Company.

8 & 9 Wm. 3, c. 20.

LXXV. And whereas by an Act of Parliament made in the eighth and ninth years of his Majesty's reign, intituled, *An Act for making good the Deficiencies of several Funds therein mentioned, and for enlarging the capital Stock of the Bank of England, and for raising the public Credit*, it is (amongst other things) enacted, that during the continuance of the Corporation of the Governor and Company of the Bank of England, no other bank, or any other corporation, society, fellowship, company, or constitution, in the nature of a bank, shall be erected or established, permitted, suffered, countenanced, or allowed by Act of Parliament, within this kingdom, as in and by the said Act more at large may appear: Now, for the better securing the privileges of the said Governor and Company of the Bank of England, granted to them by Parliament, and to prevent the corporation or corporations, society or societies, fellowship or fellowships, company or companies, constitution or constitutions, which shall or may be established by virtue of this Act, from interfering with, or being prejudicial to, the said Governor and Company of the Bank of England: Be it enacted by the authority aforesaid, that it shall not be lawful to or for the corporation or corporations, society or societies, fellowship or fellowships, company or companies, constitution or constitutions, which shall or may be established by virtue of this Act (as a corporation, society, fellowship, company, or constitution), to borrow, owe, or give security for any sum or sums of money, on credit of any public fund or funds hereby granted, or any part thereof; and that it shall not be lawful for the said corporation or corporations, society or societies, fellowship or fellowships, company or companies, constitution or constitutions, which shall or may be established by virtue of this Act, to borrow, owe, or give security for any other or greater sum or sums of money, than such as shall be really and *bonâ fide* expended and laid out in and for the buying of goods, bullion, or commodities to be exported for the proper account of the said corporation or corporations, society or societies, fellowship or fellowships, company or companies, constitution or constitutions, which shall or may be established by virtue of this Act, or shall be otherwise employed in their trade; all which sum or sums of money, so to be borrowed for the purpose aforesaid, shall be borrowed only on their common seal, and shall not be made payable, or *bonâ fide* agreed to be paid, at any time less than six months from the time of the borrowing thereof (1); and that it shall not be lawful for the corporation or corporations, society or societies, fellowship or fellowships, company or companies, constitution or constitutions, which shall or may be established by virtue of this Act, to discount any bills of exchange or other bills or notes whatsoever, or to keep any books or cash, of or for any person or persons, bodies politic or corporate whatsoever, other than only the proper moneys and cash of the said corporation or corporations, society or societies, fellowship or fellowships, company or companies, constitution or constitutions, which shall or may be established by virtue of this Act.

Not lawful for the General Society, &c., to borrow any sums on credit of the funds by this Act granted,

nor to borrow any other sums than employed in trade.

Moneys shall be borrowed only on their common seal, and not made payable in less than six months.

Company may not discount bills of exchange, &c., or keep cash for any person whatsoever.

(1) [See note on 34 Geo. 3, cap. 41.]

Section 79 provides for the cessations of the Corporations created under this Act, and of the benefit of trade thereby given, on three years' notice after 29th September, 1711. By the 6 Annæ, cap. 17, sec. 6, this proviso was repealed, and by sec. 9 of the same Act, three years' notice after 25th March, 1726, was substituted. The 10 Annæ, cap. 28, continues to the Company its trade, franchises, privileges, and profits, and fixes the period of redemption of the debt due from the State at the expiration of three years' notice after

25th March, 1733. By 3 Geo. 2, cap. 14, sec. 11, the exclusive trade was continued till the end of three years' notice after 25th March, 1736; and section 12 provides for the continuance of the Corporation. The 17 Geo. 2, cap. 17, sec. 13, makes the exclusive trade determinable on three years' notice after 25th March, 1780, and section 14 provides for the continuance of the Corporation and common right to trade. By 7 Geo. 3, cap. 57, sec. 2, the territorial acquisitions and revenues then recently obtained were to remain under the Company till the 1st Feb. 1769. By 9 Geo. 3, cap. 24, sec. 11, the period was extended to 1st Feb. 1774. It was further extended by 13 Geo. 3, cap. 64, till certain advances of money were repaid; and this having been effected, it was continued by 19 Geo. 3, cap. 61, sec. 1, till 5th April, 1780; and by 20 Geo. 3, cap. 56, sec. 1, to the 5th April, 1781. By 21 Geo. 3, cap. 65, secs. 3, 4, 5, and 8, the exclusive trade and the territorial possessions were secured to the Company till three years' notice after 1st March, 1791; and section 6 reserves the rights of the corporate body, and of continuing to trade on joint stock. The 33 Geo. 3, cap. 52, renewed the Company's trade and Government till three years after 1st March, 1811 (sec. 73); section 74 reserving the Corporation, &c. The 53 Geo. 3, cap. 155, secs. 1 to 3, continued the Government and exclusive trade with China for a period expiring on three years' notice after 10th April, 1831; but by section 6 opened that with India; section 4 provides for the continuance of the Corporation and right to trade. The 3 & 4 Wm. 4, cap. 85, continued the term of the Company's Government till the 30th April, 1854, but suspended their trade, except so far as it might be carried on for the purposes of Government. The 16 & 17 Vict. cap. 95, renewed the Company's Government.

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11 & 12 GULIELMI III. Cap. XII.

An Act *to punish Governors of Plantations in this Kingdom for Crimes by them committed in the Plantations.*

Whereas a due punishment is not provided for several crimes and offences committed out of this his Majesty's realm of England, whereof divers Governors, Lieutenant-governors, Deputy-governors, or Commanders-in-chief of plantations and colonies within his Majesty's dominions beyond the seas, have taken advantage, and have not been deterred from oppressing his Majesty's subjects within their respective governments and commands, nor from commit-

ting several other great crimes and offences, not deeming themselves punishable for the same here, nor accountable for such their crimes and offences to any person within their respective governments and commands: for remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in Parliament assembled, and by the authority of the same, that if any Governor, Lieutenant-governor, Deputy-governor, or Commander-in-chief of any plantation or colony within his Majesty's dominions beyond the seas, shall after the first day of August, one thousand seven hundred, be guilty of oppressing any of his Majesty's subjects beyond the seas, within their respective governments or commands, or shall be guilty of any other crime or offence, contrary to the laws of this realm, or in force within their respective governments or commands, such oppressions, crimes, and offences, shall be inquired of, heard, and determined in his Majesty's Court of King's Bench here in England, or before such commissioners, and in such county of this realm, as shall be assigned by his Majesty's commission, and by good and lawful men of the same county, and that such punishments shall be inflicted on such offenders as are usually inflicted for offences of like nature committed here in England.

Governors, &c., of any colony, &c., beyond the sea, guilty of oppression, &c.,

may be tried in England.

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6 ANNÆ. Cap. XVII.

An Act *for assuring to the English Company trading to the East-Indies, on account of the united Stock, a longer Time in the Fund and Trade therein mentioned, and for raising thereby the Sum of twelve hundred thousand Pounds for carrying on the War, and other her Majesty's Occasions.*

Section 2 of this Act empowers the Company to borrow to a certain amount on their common seal, to enable them to advance money for the use of the Crown. See note on 34 Geo. 3, cap. 41.

Sections 3 to 5, with a view to the same object, provide the means of increasing the capital stock of the Company. See note on section 11 of 3 & 4 Wm. 4, cap. 85.

Section 6 repeals the proviso of redemption contained in 9 & 10 Wm. 3, cap. 44, and sec. 9 substitutes a new one, for which see the note at the end of the quotations from the Act last referred to. (9 & 10 Wm. 3, cap. 44.)

Section 12 provides for the completion of the Union of the Old Company ("The Governor and Company of Merchants of London "trading to the East-Indies") with the New ("The English Company"), by referring all matters in difference to the Earl of Godolphin, under whose award the Union was subsequently effected.

9 ANNÆ. Cap. VII.

An Act *for enabling and obliging the Bank of England, for the time therein mentioned, to exchange all Exchequer Bills for ready Money upon demand, and to disable any Person to be Governor, Deputy-Governor, or Director of the Bank of England, and a Director of the East-India Company, at the same time.*

The following section is the only one requiring to be quoted here.

XI. And be it enacted by the authority aforesaid, that in all future elections of Governor, Deputy-governor, or Directors of the respective Corporations of the Bank of England, and of the United Company of Merchants of England trading to the East-Indies, all and every person or persons who shall be elected Governor, Deputy-governor, or Director of the Bank of England, shall, during the year for which he or they shall be elected, be incapable of being chosen Director or Directors for the management of the affairs of the said United Company; and all and every person or persons, who shall be elected a Director or Directors of the said United Company, shall, during the year for which he or they shall be so elected, be incapable of being chosen a Governor, or Deputy-governor, or Director or Directors of the Bank of England.

None may be Governor, Deputy-governor, or Director of the Bank and East-India Company, at the same time.

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9 ANNÆ. Cap. XXI.

An Act *for making good Deficiencies, and satisfying the public Debts; and for erecting a Corporation, to carry on a Trade to the South Seas, and for the Encouragement of the Fishery; and for Liberty to trade in unwrought Iron with the Subjects of Spain; and to repeal the Acts for registering Seamen.*

This Act defined the limits of the Charter granted to the South-Sea Company, and prohibited that Company from infringing the rights of the East-India Company. The opening of the trade, once exclusively enjoyed by the latter Company, renders it unnecessary to notice any part of the Act except the following section.

LXI. And be it enacted by the authority aforesaid, that no person shall be capable of being elected a Governor, Deputy-governor, or Director of the said intended corporation, during the time that he shall be a Governor, Deputy-governor, or Director of either of the respective Corporations of the Bank of England, or of the United Company of Merchants of England trading to the East-Indies; and every person who shall be elected a Governor, Deputy-governor, or Director of the said intended corporation, shall during the time he shall be such Governor, Deputy-governor, or Director, be incapable of being chosen a Governor, Deputy-governor, or Director of either of the said respective Corporations of the Bank of England, or of the United Company of Merchants of England trading to the East-Indies.

Governor, &c., not to be Governor, &c., of the Bank or East-India Company at the same time.

10 ANNÆ. Cap. XXVIII.

An Act *for continuing the Trade and Corporation-Capacity of the United East-India Company, although their Fund should be redeemed.*

This Act repeals the proviso of redemption in 6 Ann. cap. 17, and substitutes another. See note at end of 9 & 10 Wm. 3, cap. 44.

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7 GEORGII I. Cap. V.

An Act *to enable the South-Sea Company to ingraft Part of their capital Stock and Fund into the Stock and Fund of the Bank of England, and another Part thereof into the Stock and Fund of the East-India Company; and for giving further Time for Payments to be made by the said South-Sea Company, to the use of the public.*

The greater part of this Act refers to the South-Sea Company. Section 32 relates to the borrowing of money by the East-India Company on bond. See note on 34 Geo. 3, cap. 44. Part of sec. 33 relates to the same subject; the remainder follows.

XXXIII. And it is hereby provided and enacted by the authority aforesaid, * * * * * * * * * * * *

East-India Company may not discount bills, or keep cash for others.

That it shall not be lawful for the said United Company of Merchants of England trading to the East-Indies, or their successors, to discount any bills of exchange, or other bills or notes whatsoever, or to keep any books or cash of or for any person or persons, bodies politic or corporate whatsoever, other than only the proper monies and cash of the same United Company; any thing in this Act contained to the contrary notwithstanding.

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7 GEORGII I. Cap. XXI.

An Act *for the further preventing his Majesty's Subjects from trading to the East-Indies under foreign Commissions; and for encouraging and further securing the lawful Trade thereto; and for further regulating the Pilots of Dover, Deal, and the Isle of Thanet.*

The following section is the only one now in force that has any connection with the Company.

XIII. And be it further enacted by the authority aforesaid, that the said United Company shall for the future be allowed to ship out stores, provisions, utensils of war, and necessaries for maintaining their garrisons and settlements, free of all duties, so as such duties, if they had been to be paid, would not have exceeded, or do not exceed, in any one year, the sum of three hundred pounds.

Company may ship out stores of war duty free, such duty not exceeding £300 in one year.

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3 GEORGII II. Cap. XIV.

An Act *for reducing the Annuity or Fund of the United East-India Company, and for ascertaining their Right of Trade to the East-Indies, and the Continuance of their Corporation for that purpose, upon the terms therein mentioned.*

This Act applies to transactions long since terminated. Provision is made that after the close of such transactions, the Corporation should notwithstandingcon tinue. The proviso which forms sec. 11, reserves the power of terminating the Company's exclusive trade on three years' notice, after the 25th March, 1736. See note following the quotations from 9 & 10 Wm. 3, cap. 44.

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17 GEORGII II. Cap. XVII.

An Act *for granting to his Majesty the Surplus or Remainder of the Monies arisen, or to arise, by the Duties on Spirituous Liquors, granted by an Act of the last Session of Parliament; and for explaining and amending the said Act in relation to the Retailers of such Liquors; and for establishing an Agreement with the United Company of Merchants of England trading to the East-Indies.*

Section 8 of this Act empowers the Company to increase their Bond Debt. See note on 34 Geo. 3, cap. 41.

A proviso extends the Company's right to the exclusive trade to a period terminable by three years' notice after 25th March, 1780; see note at end of 9 & 10 Wm. 3, cap. 44. Their Charter and common rights are reserved.

23 GEORGII II. Cap. XXII.

An Act *for giving further Time to the Proprietors of Annuities, after the Rate of Four Pounds per Centum per Annum, to subscribe the same in the Manner, and upon the Terms, therein mentioned; and for redeeming such of the said Annuities as shall not be so subscribed; and for empowering the East-India Company to raise certain Sums by transferable Annuities.*

Section 6 of this Act continues and confirms the powers given by former Acts of Parliament for borrowing on bond; and makes provision for reducing the amount thus borrowed; see note on 34 Geo. 3, cap. 41. The other provisions of this Act were temporary.

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7 GEORGII III. Cap. XLIX.

An Act *for regulating certain Proceedings of the General Courts of the United Company of Merchants of England trading to the East-Indies.*

The first and second sections relate to dividends, and are no longer in force.

No balloting upon any questioo to take place sooner than eight hours after breaking up of the Court; and to be begun not later than twelve at noon, nor closed before six P.M.

III. And be it further enacted by the authority aforesaid, that no balloting upon any question proposed in any General Court of the said Company, relative either to the declaration of a dividend, or to any other matter whatsoever, shall be begun within a less space of time than eight hours after adjournment (1), or breaking up, of the General Court in which it shall have been determined that such question shall be decided by balloting; and that in no case the balloting shall be begun at a later hour of the day than twelve of the clock at noon, nor closed at an earlier hour than six of the clock in the afternoon.

(1) [By 10 Geo. 3, cap. 47, sec. 3, no ballot can take place within less than twenty-four hours after adjournment.]

7 GEORGII III. Cap. LVII.

An Act *for establishing an Agreement for the Payment of the annual Sum of four hundred thousand Pounds, for a limited Time, by the East-India Company in respect of the territorial Acquisitions and Revenues lately obtained in the East-Indies.*

Section 2 of this Act vests in the Company for two years, from the 1st February, 1767, all the territorial acquisitions and revenues then lately obtained in the East-Indies. See note following the extracts from 9 & 10 Wm. 3, cap. 44, in this collection.

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9 GEORGII III. Cap. XXIV.

An Act *for carrying into Execution certain Proposals made by the East-India Company for the Payment of the annual Sum of four hundred thousand Pounds, for a limited Time, in respect of the territorial Acquisitions and Revenues lately obtained in the East-Indies.*

The second section of this Act confirms the Company in the possession of the territory and revenues previously granted for five years from the 1st February, 1769. See the note following the extracts from 9 & 10 Wm. 3, cap. 44.

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10 GEORGII III. Cap. XLVII.

An Act *for better regulating Persons employed in the Service of the East-India Company, and for other Purposes therein mentioned.*

The first two sections of this Act related to illicit traffic, and were repealed by a subsequent Act. The third, after a provision in regard to dividends which later legislation (3 & 4 Wm. 4, cap. 85, sec. 11) has rendered obsolete, enacts,—

That from and after the passing of this Act, on balloting upon any question proposed in any General Court of the said Company, relative to any matter whatsoever, shall be begun

No balloting to be begun within less than

twenty-four hours after adjournment of General Court.

within a less space of time than twenty-four hours after the adjournment or breaking up of the General Court in which it shall have been determined that such question should be decided by balloting; any thing in the said last-recited Act to the contrary notwithstanding.

Company's servants in the East-Indies guilty of oppression or other crimes,

IV. And be it further enacted by the authority aforesaid, that if any person or persons whatsoever, employed by or in the service of the said United Company, in any civil or military station, office, or capacity whatsoever, in the East-Indies, or deriving or claiming any power, authority, or jurisdiction, by or from the said United Company, shall, after the passing of this Act, be guilty of oppressing any of his Majesty's subjects beyond the seas within their respective jurisdictions; or in the exercise of any such station, office, employment, power or authority, derived or claimed by, from, or under the said United Company, or shall be guilty of any other crime or offence; such oppressions, crimes, and offences, shall and may be inquired of, heard, and determined, in his Majesty's Court of King's Bench in England: and such punishments shall be inflicted on such offenders, as are usually inflicted for offences of the like nature committed in that part of Great Britain called England; and that the same, and all other offences committed against this Act, may be alleged to be committed, and may be laid, inquired of, and tried in the county of Middlesex.

may be tried in the Court of King's Bench, and punished as if offence committed in England.

Defendants may plead the general issue.

V. And be it further enacted by the authority aforesaid, that in all actions or suits brought against the said United Company, their agents or servants, or any person deriving authority under the said Company, for any thing by him or them done in such capacity, from and after the passing of this Act, the defendant or defendants, in any such action or suit, may plead the general issue, and give the special matter in evidence.

Section 6 declares this a Public Act.

Defendant to deliver to plaintiff a notice of the substance of his defence,

VII. Provided always, and it is hereby enacted and declared, that the defendant or defendants, or his or their attorney, shall deliver to the plaintiff or plaintiffs in every such action, or his or their attorney, a notice in writing, signed by the defendant or defendants, or his or their attorney, of the substance of the defence or defences, which he or they intend to rely upon, six days before the trial of such action, in case the same is to be tried in London or Middlesex; and eight days before the trial thereof, in case the same is to be tried in any other county; and the defendant or defendants shall not, by virtue of this Act, be permitted, at the trial of any such action, to give evidence of any matters not contained in such notice.

and shall not give evidence of any matters not contained therein.

In reference to sections 4, 5, and 7, *vide* 13 Geo. 3, cap. 63, secs. 39 to 41; 24 Geo. 3, cap. 25, secs. 64 and 65; 26 Geo. 3, cap. 57, sec. 28.

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13 GEORGII III. Cap. LXIII.

An Act *for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe.*

This Act was the first that interfered essentially with the Government *in* India, and is usually spoken of as "the Regulating Act."

Preamble.

Whereas the several powers and authorities granted by Charters to the United Company of Merchants of England trading to the East-Indies, have been found, by experience, not to have sufficient force and efficacy to prevent various abuses which have prevailed in the government and administration of the affairs of the said United Company, as well at home as in India, to the manifest injury of the public credit, and of the commercial interests of the said Company; and it is therefore become highly expedient that certain further regulations, better adapted to their present circumstances and condition, should be provided and established: and whereas the electing and choosing of Directors of the said United Company every year, in such manner as at present prescribed by Charter, has not answered the good purposes intended thereby, but, on the contrary, by limiting the duration of their office to so short a time, evidently tends to weaken the authority of the Court of Directors, and to produce instability in the councils and measures of the said Company: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that at the next ensuing general election of Directors of the said United Company, instead of an election of twenty-four Directors to serve for the space of one year only, there shall be chosen, in such manner and order as the Directors of the said United Company for the time being shall appoint, six Directors expressly for the term of one year, and six other Directors for the term of two years, and six other Directors for the term of three years, and the remaining six Directors for the term of four years, and not otherwise; and from thenceforth yearly and every year, and at the expiration of each and every of the said terms respectively, six new Directors, and no more, shall be chosen, from time to time, in the place of such Directors whose term shall have expired, and who are hereby declared incapable of being then re-chosen; and at every subsequent election, during the continuance of the Charter of the said United Company, six new Directors shall be chosen, and shall continue to be Directors for the term of four years, and no longer (1), to be accounted from the day on which the election of such Directors was respectively made; and in case the office and authority of any such Director shall become void by death, removal, or otherwise, another shall be chosen from time to time, in his place, to serve as a Director during the remainder of such term for which the person whose office shall have become void was chosen, and no longer.

At the next ensuing general election, instead of twenty-four for one year, there shall be chosen six Directors for the term of one year; six for two years; six for three years; six for four years; and so hereafter yearly.

(1) [This arrangement terminated in 1854, when the Act, passed in the previous year (16 & 17 Vict., cap. 95), came into operation. The number of Directors is now Eighteen, of whom the Crown is to nominate Six. Elections are to be Biennial. The ordinary term of office is to be six years, at the end of which period re-election or re-appointment may take place immediately.]

By section 2, no person employed in the East-Indies could be chosen a Director, until, after his return, he had been resident in England Two years. This was repealed by 3 & 4 Wm. 4, cap. 85, sec. 28, except with regard to persons having unsettled accounts, or subject to any charge, while under consideration.

III. And whereas it has been found that the provision made by the Charter of the tenth year of the reign of King William the Third, under which persons possessed of five hundred

All transfers made in a collusive manner

to qualify voters at elections,

pounds stock are entitled to vote in General Courts, has been productive of much inconvenience in the present situation of the Company, and tends to promote the mischievous practice of making collusive transfers, which practice hath not been sufficiently prevented by the provision made by an Act of the seventh year of his present Majesty's reign, whereby the right of voting is limited to persons having been six calendar months in possession of their stock; be it further enacted, that all transfers of stocks whatsoever made to any person or persons, in any fraudulent or collusive manner, on purpose to qualify him, her, or them, to give his, her, or their vote or votes, at any election of members of the Court of Directors, or in any General Court of the said United Company (subject nevertheless to conditions or agreements, either verbal or in writing, to defeat or determine such transfers, or to retransfer or return the same), shall be deemed and taken against those persons who transferred the same, as free and absolute, and be holden and enjoyed by all and every such person or persons to whom such transfer shall be made, as aforesaid, freely and absolutely acquitted, exonerated, and discharged, of and from all manner of trusts, conditions, powers of revocation, provisoes of redemption, or other defeazances between or with the said parties, or any other person or persons in trust for them; and that all bonds, covenants, notes collateral, or other securities, contracts, or agreements between or with the said parties, or any other person or persons in trust for them, or any of them, for the retransferring, redeeming, revoking, or defeating such transfer, or for the restoring or retransferring thereof, or any part thereof, to any person or persons who made such transfer, or to any other person or persons in trust for them, or any of them, shall be null and void to all intents and purposes whatsoever: And that every person to whom such transfer shall have been made, and who shall have voted by virtue thereof at any election of members of the Court of Directors, or in any General Court of the said United Company, and who shall afterwards retransfer or return the same, in consequence of any trust, condition, powers of revocation, proviso of redemption, or other defeazance whatsoever, as aforesaid, shall, for every such offence, forfeit the sum of one thousand pounds; one moiety whereof shall go and be disposed of to any person who shall sue for the same, and the other moiety to his Majesty, his heirs and successors; to be recovered, together with full costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's Courts of Record at Westminster, wherein no essoin, privilege, protection, wager of law, or more than one imparlance, shall be admitted or allowed; and that from and after the first day of October, one thousand seven hundred and seventy-three, no member or proprietor of the said United Company shall be deemed qualified, or capable to vote, or be admitted to give any vote or votes, at any election of Directors, or at any General Court of the said United Company, in respect of any stock amounting to less than one thousand pounds, nor in respect of any stock transferred to him, her, or them, after the said first day of October, one thousand seven hundred and seventy-three, until he, she, or they, shall have been possessed of such stock twelve calendar months, in his, her, or their own right, and not in trust for any other person or persons whatsoever, freed and discharged of all incumbrances which can or may affect the same, unless such stock shall have been acquired, or shall have come to such proprietor by bequest, or by marriage, or by succession to any intestate's estates, or by the custom of the City of London, or by any deed of settlement after the death of any person who shall have been entitled for life to the dividends of such stock; any law, statute, or usage, to the contrary notwithstanding.

and all bonds, covenants, &c., with persons in trust, shall be null and void.

Penalty on persons who shall vote by virtue of collusive transfers at any election, and shall afterwards retransfer the stock in consequence of any trusts, &c.

After Oct. 1, 1773, no Proprietor shall vote at any election of Directors in respect of stock amounting to less than £1,000, nor until he shall have been possessed thereof twelve calendar months.

Certain cases excepted.

Every Proprietor possessed of £3,000 capital stock shall be entitled to two votes at any election; if possessed of £6,000, he

IV. Provided always, and be it further enacted by the authority aforesaid, that every member or proprietor of the said United Company who shall be possessed, for the time or term aforesaid, in his or her own right, of three thousand pounds capital stock of the said Company, shall be entitled to give two votes at any election of Directors, or at any ballot of

the said Company; and every member or proprietor who shall be possessed, for the time or term aforesaid, of six thousand pounds, in his or her own right, shall be entitled to give three votes; and every member or proprietor who shall be possessed, for the time or term aforesaid, of ten thousand pounds, or more, shall be entitled to give four votes at such election or ballot; and the oath and affirmation hereinafter respectively prescribed, shall, as occasion shall require, be altered in such manner as shall be necessary to comprise such right of voting.

shall have three votes, and when possessed of £10,000, shall be entitled to four votes.

Section 5 was exceptional and temporary.

VI. And be it further enacted by the authority aforesaid, that from and after the first day of October, one thousand seven hundred and seventy-three, upon every election to be made of any member or members of the Court of Directors, and upon every ballot to be taken at any General Court of the said United Company, every member or proprietor of the said Company shall, before admitted to vote at such election, or in such General Court, first take the oath hereafter mentioned, before two or more of the Directors of the said United Company, who are hereby empowered to administer such oath.

Upon election of Directors every Proprietor shall, before admitted to vote, take a prescribed oath.

Under the provisions of the Act 5 & 6 Wm. 4, cap. 62, sec. 8, a Declaration has been substituted in place of the prescribed Oath, which is consequently here omitted. For the form of Declaration, see By-Laws, Chapter VII. Section 11. The remainder of the section subjects a person convicted of perjury or subornation thereof, to the penalties of two Acts, 5 Eliz. cap. 9, and 2 Geo. 2, cap. 25. By 3 & 4 Wm. 4, cap. 85, sec. 27, Proprietors resident within the United Kingdom may vote on Elections of Directors by Letter of Attorney, under certain conditions.

Sections 7 and 8, relating to the constitution and proceedings of the Governor-General and Council, are practically superseded by later enactments.

IX. And be it further enacted by the authority aforesaid, that the said Governor-General and Council, or the major part of them, shall have, and they are hereby authorized to have, power of superintending and controlling the government and management of the Presidencies of Madras, Bombay, and Bencoolen (1), respectively, so far and in so much as that it shall not be lawful for any President and Council of Madras, Bombay, or Bencoolen (1), for the time being, to make any orders for commencing hostilities, or declaring or making war, against any Indian princes or powers, or for negotiating or concluding any treaty of peace, or other treaty, with any such Indian princes or powers, without the consent and approbation of the said Governor-General and Council first had and obtained, except in such cases of imminent necessity as would render it dangerous to postpone such hostilities or treaties until the orders from the Governor-General and Council might arrive; and except in such cases where the said Presidents and Councils respectively shall have received special orders from the said United Company; and any President and Council of Madras, Bombay, or Bencoolen (1), who shall offend in any of the cases aforesaid, shall be liable to be suspended from his or their office by the order of the said Governor-General and Council; and every

The powers of the Governor-General and Council.

The three other Presidencies to obey the orders of the Supreme Government.

President and Council of Madras, Bombay, and Bencoolen (1), for the time being, shall, and they are hereby respectively directed and required, to pay due obedience to such orders as they shall receive, touching the premises, from the said Governor-General and Council for the time being, and constantly and diligently to transmit to the said Governor-General and Council advice and intelligence of all transactions and matters whatsoever, that shall come to their knowledge, relating to the government, revenues, or interest of the said United Company; and the said Governor-General and Council for the time being shall, and they are hereby directed and required to pay due obedience to all such orders as they shall receive from the Court of Directors of the said United Company, and to correspond from time to time, and constantly and diligently transmit to the said Court an exact particular of all advices or intelligence, and of all transactions and matters whatsoever, that shall come to their knowledge relating to the government, commerce, revenues, or interest, of the said United Company.

and the Supreme Government to obey the orders of the Directors.

And to transmit intelligence of all occurrences to Directors.

(1) [Bencoolen is no longer a British settlement.]

The remainder of this section, relating to the delivery of copies of letters to the Secretaries of State, is repealed by 33 Geo. 3, cap. 52. In regard to the relation of the Government of India, and the subordinate Governments, see 33 Geo. 3, cap. 52, secs. 40, 41, and 43; and 3 & 4 Wm. 4, cap. 85, secs. 39, 59, 65, and 68.

By sections 10 and 11 certain persons are appointed to particular offices, and the times of their entering thereupon fixed.

Section 12 reserves the right of the Company to appoint officers for the management of their trade.

His Majesty may, by Charter, or Letters Patent, establish a Supreme Court of Judicature at Fort William, &c.

XIII. And whereas his late Majesty King George the Second did, by his Letters Patent bearing date at Westminster the eighth day of January, in the twenty-sixth year of his reign, grant unto the said United Company of Merchants of England trading to the East-Indies, his royal Charter, thereby, amongst other things, constituting and establishing Courts of Civil, Criminal, and Ecclesiastical Jurisdiction, at the said United Company's respective settlements at Madras-patam, Bombay, on the Island of Bombay, and Fort William in Bengal; which said Charter does not sufficiently provide for the due administration of justice in such manner as the state and condition of the Company's Presidency of Fort William in Bengal, so long as the said Company shall continue in the possession of the territorial acquisitions before mentioned, do and must require; be it therefore enacted by the authority aforesaid, that it shall and may be lawful for his Majesty, by Charter or Letters Patent under the Great Seal of Great Britain, to erect and establish a Supreme Court of Judicature at Fort William aforesaid, to consist of a Chief Justice and three other Judges (1), being barristers in England or Ireland, of not less than five years' standing, to be named from time to time by his Majesty, his heirs and successors; which said Supreme Court of Judicature shall have, and the same Court is hereby declared to have, full power and authority to exercise and perform all civil, criminal, admiralty, and ecclesiastical jurisdiction, and to appoint such clerks, and other ministerial officers of the said Court, with such reasonable salaries as shall be approved of by the said Governor-General and Council; and to form and establish such rules of practice, and such rules for the process of the said Court, and to do all

To consist of a Chief Justice, and three other Judges;

who are invested with civil, criminal, admiralty, and ecclesiastical jurisdiction, and may establish rules of practice and process.

such other things as shall be found necessary for the administration of justice, and the due execution of all or any of the powers which by the said Charter shall or may be granted and committed to the said Court; and also shall be, at all times, a Court of Record, and shall be a Court of Oyer and Terminer, and Gaol Delivery, in and for the said town of Calcutta, and factory of Fort William in Bengal aforesaid, and the limits thereof, and the factories subordinate thereto.

To be a Court of Record, Oyer and Terminer, and Gaol Delivery for Calcutta and Fort William.

(1) [By the 37 Geo. 3, cap. 142, sec. 1, the Court is to consist of a Chief Justice and two Puisne Judges.]

XIV. Provided nevertheless, and be it further enacted by the authority aforesaid, that the said new Charter which his Majesty is hereinbefore empowered to grant, and the jurisdiction, powers, and authorities, to be thereby established, shall and may extend to all British subjects who shall reside in the kingdoms or provinces of Bengal, Bahar, and Orissa, or any of them, under the protection of the said United Company; and the same Charter shall be competent and effectual: and the Supreme Court of Judicature, therein and thereby to be established, shall have full power and authority to hear and determine all complaints against any of his Majesty's subjects for any crimes, misdemeanors or oppressions, committed, or to be committed; and also to entertain, hear, and determine any suits or actions whatsoever, against any of his Majesty's subjects in Bengal, Bahar, and Orissa, and any suit, action, or complaint against any person who shall, at the time when such debt, or cause of action or complaint shall have arisen, have been employed by, or shall then have been, directly or indirectly, in the service of the said United Company, or of any of his Majesty's subjects.(1)

Extent of the jurisdiction and powers of his Majesty's Charter; and of the Supreme Court of Judicature.

(1) [By various sections of 21 Geo. 3, cap. 70, the powers of the Supreme Court are defined and limited. Acts done by order of the Governor-General and Council are not to be questioned by the Supreme Court (sec. 2), except (sec. 3) such acts as relate to British subjects. The Court is to have no jurisdiction in matters of Revenue (sec. 8), nor (sec. 9) over any person on account of connection with land; nor (sec. 10) for being employed by the Company, or by a native, or descendant of a native, of Great Britain, save in certain excepted cases. By sections 17, 18, 19, 20, provision is made for Suits in which Natives may be interested. Section 24 exempts Judicial Officers in the Country Courts from the jurisdiction of the Supreme Court, except (sec. 25) in case of corruption. By 39 & 40 Geo. 3, cap. 79, sec. 20, the jurisdiction of the Supreme Court is extended to Benares, and to all factories, districts, and places subject to the Presidency of Fort William. By 33 Geo. 3, cap. 52, sec. 67, subjects of the Crown are amenable to all Courts of competent jurisdiction in India or Great Britain, for offences in the territories of Native Princes.

[Since the power of legislation given by 3 & 4 Wm. 4, cap. 85,

under which the Governor-General in Council is enabled " to make " Laws and Regulations for all persons, whether British or Native, " foreigners or others, and for all Courts of justice, whether established " by His Majesty's Charters or otherwise," various alterations affecting British subjects and the Supreme Court have been made. The Act of the British Parliament, 53 Geo. 3, cap. 155, sec. 107, rendered British subjects liable to the Company's Judicial Officers in certain cases, of which more will be said under that Act; but by Act of the Government of India, No. 11 of 1836, this clause is annulled, and all persons whatever are made subject, in any Civil proceeding, to the Company's Courts therein enumerated, within the Territories of the Three Presidencies. By Act No. 3 of 1839, no person by reason of birth or descent, is to be exempted in any Civil proceeding within the British Territories from the Revenue Courts, and in matters of rent from the Courts of the Moonsiffs. No. 6 of 1843 contains a similar enactment as to any Civil proceeding in the Courts of the Moonsiffs within the Territories of Fort William. There are other enactments of the like nature, but when they refer exclusively to one or both of the Subordinate Presidencies, they are noticed elsewhere.]

Supreme Court not competent to hear and determine indictments or informations against the Governor-General, &c.

XV. Provided also, that the said Court shall not be competent to hear, try, or determine any indictment or information against the said Governor-General, or any of the said Council for the time being, for any offence (not being treason or felony) which such Governor-General, or any of the said Council, shall or may be charged with having committed in Bengal, Bahar, and Orissa.

Limitation of actions before the said Court.

Suits may originate in the Supreme Court, or be brought by appeal from the provincial courts.

XVI. Provided also, and be it enacted, that the said Supreme Court shall hear and determine any suits or actions whatsoever of any of his Majesty's subjects against any inhabitant of India residing in any of the said kingdoms or provinces of Bengal, Bahar, or Orissa, or any of them, upon any contract or agreement in writing entered into by any of the said inhabitants, with any of his Majesty's said subjects, where the cause of action shall exceed the sum of five hundred current rupees; and where the said inhabitant shall have agreed in the said contract, that, in case of dispute, the matter shall be heard and determined in the said Supreme Court; and all such suits or actions may be brought, in the first instance, before the said Court, or by appeal from the sentence of any of the Courts established in the said provinces, or any of them.

The Governor-General, Council, &c., not subject to be arrested or imprisoned under authority of Supreme Court.

XVII. And it is hereby further enacted and provided, that nothing in this Act shall extend to subject the person of the Governor-General, or of any of the said Council, or Chief Justice and Judges respectively for the time being, to be arrested or imprisoned upon any action, suit, or proceeding in the said Court.

Appeal may be made to his Majesty in Council.

XVIII. And be it further enacted by the authority aforesaid, that it shall and may be directed, in and by the said new Charter which his Majesty is hereinbefore empowered to grant, that in case any person or persons whatsoever shall think himself, herself, or themselves

aggrieved by any judgment or determination of the said Supreme Court of Judicature to be established as aforesaid, he, she, or they, shall and may appeal from such judgment or determination to his Majesty in Council, his heirs or successors, within such time, in such manner, and in such cases, and on such security, as his Majesty, in his said Charter, shall judge proper and reasonable to be appointed and prescribed.(1)

(1) [See 3 & 4 Wm. 4, cap. 41.]

Part of the Charter granted by George the Second (should a new Charter be granted) to be repealed.

XIX. And be it further enacted by the authority aforesaid, that so much of the said Charter, granted by his said late Majesty, as respects or relates to the establishment of the Mayor's Court at Calcutta aforesaid, in Bengal, or to the civil, criminal, or ecclesiastical jurisdiction thereof, in the said United Company's settlement there, or the subordinates thereunto belonging, in case a new Charter shall be granted by his Majesty in pursuance of this Act, and shall be openly published at Fort William aforesaid, from and immediately after such publication, shall cease, determine, and be absolutely void to all intents and purposes.

The remainder of the section retains the Charter as to other places, but it has now no operation anywhere.

Section 20 required the Records and Proceedings of the old Court to be deposited in the new one.

Salaries established to the Governor-General, Council, Chief Justice, and Judges.

XXI. And be it further enacted by the authority aforesaid, that during such time as the territorial acquisitions shall remain in the possession of the said Company, the Court of Directors of the said United Company shall, and they are hereby required to direct and cause to be paid certain and established salaries to the Governor-General and to each of the Council of the said United Company's Presidency of Fort William in Bengal, and to the Chief Justice and each of the Judges of such Supreme Court of Judicature at Fort William, as shall be by the said new Charter established; that is to say, to the Governor-General(1) * * * and to each of the Council of the said United Company's Presidency of Fort William in Bengal (1), * * * * And to the Chief Justice eight thousand pounds by the year; and to each of the Judges of the said Supreme Court of Judicature at Fort William, six thousand pounds by the year, and that such salaries shall be paid and payable to each and every of them respectively for the time being, out of the said territorial acquisitions in the kingdoms of Bengal, Bahar, and Orissa.

(1) [The salary of the Governor-General is now regulated under 3 & 4 Wm. 4, cap. 85, sec. 76. Those of the ordinary Members of the Council of India by 16 & 17 Vict., cap. 95, sec. 35.]

When such salaries shall commence.

XXII. And be it further enacted by the authority aforesaid, that the salaries of such Governor-General and Council, and of such Chief Justice and Judges of such Supreme Court of Judicature as aforesaid, shall take place and commence in respect to all such persons who shall be resident in Great Britain at the time of their appointment, upon and from the day on which such person shall embark from Great Britain (1); and that the salaries of all such persons who shall, at the time of their appointment, be resident in India, shall commence and take place from and after their respectively taking upon them the execution of their office as aforesaid; and that all such salaries to such Governor-General and Council, and of such Chief Justice and Judges, shall be in lieu of all fees of office, perquisites, emoluments, and

No fees, perquisites, &c., to be received by Chief Justice and Judges.

advantages whatsoever; and that no fees of office, perquisites, emoluments, or advantages whatsoever shall be accepted, received, or taken by such Governor-General and Council, or by such Chief Justice and Judges, as aforesaid, or any of them, in any manner, or on any account or pretence whatsoever, other than such salaries and allowances as are in and by this Act directed to be paid to them respectively.

(1) [The provision respecting the commencement of the salaries of persons resident in England at the time of appointment is repealed by 53 Geo. 3, cap. 155, sec. 89. Salaries now commence, in all cases, from entry on office. Other enactments affecting the jurisdiction, powers, and practice of the Supreme Court of Bengal, are contained in 21 Geo. 3, cap. 70; 33 Geo. 3, cap. 52; 37 Geo. 3, cap. 142; 39 & 40 Geo. 3, cap. 79; 53 Geo. 3, cap. 155; 3 & 4 Wm. 4, cap. 85; and 2 & 3 Vict. cap. 34.]

The Governor-General, Council, and Judges restricted from accepting any present.

XXIII. And be it further enacted by the authority aforesaid, that no Governor-General or any of the Council of the said United Company's Presidency of Fort William in Bengal, or any Chief Justice, or any of the Judges of the Supreme Court of Judicature at Fort William aforesaid, shall, directly or indirectly, by themselves, or by any other person or persons for his or their use, or on his or their behalf, accept, receive, or take, of or from any person or persons, in any manner, or on any account whatsoever, any present, gift, donation, gratuity, or reward, pecuniary or otherwise, or any promise or engagement for any present, gift, donation, gratuity, or reward. * * *

The remainder of the above section (23) was repealed by 33 Geo. 3, cap. 52, sec. 146. The Act of the Government of India, No. 15 of 1848, forbids the officers of all Courts of Judicature, established by Royal Charter, accepting fee or reward beyond legal salaries and fees, except professionally.

No person holding a civil or military office under the Crown, or Company, shall accept any donation or gratuity.

XXIV. And be it further enacted by the authority aforesaid, that from and after the first day of August, one thousand seven hundred and seventy-four, no person holding or exercising any civil or military office under the Crown, or the said United Company, in the East-Indies, shall accept, receive, or take, directly or indirectly, by himself, or any other person or persons on his behalf, or for his use or benefit, of and from any of the Indian princes or powers, or their ministers or agents (or any of the natives of Asia), any present, gift, donation, gratuity, or reward, pecuniary or otherwise, upon any account, or on any pretence whatsoever, or any promise or engagement for any present, gift, donation, gratuity, or reward. * * *

The remainder of this section, which, on conviction of violating the former part, inflicted forfeitures and awarded them to the Company, was repealed by 24 Geo. 3, cap. 25, sec. 47. With regard to sections 23, 24, and 25, see 33 Geo. 3, cap. 52, secs. 62 and 64.

Professional fees of counsellors, physicians,

XXV. Provided always, and be it further enacted by the authority aforesaid, that nothing herein contained shall extend, or be construed to extend, to prohibit or prevent any person or

persons who shall carry on, or exercise the profession of a counsellor at law, a physician, or a surgeon, or being a chaplain, from accepting, taking, or receiving any fees, gratuities, or rewards, in the way of their profession.

surgeons, and chaplains excepted.

Section 26 was repealed by 24 Geo. 3, cap. 25, sec. 47. Secs. 27, 28, and 29 referred to Trade, and some parts of them were repealed by 33 Geo. 3, cap. 52, sec. 146.

XXX. And be it further enacted by the authority aforesaid, that no subject of his Majesty, his heirs and successors, in the East-Indies, shall, upon any contract which shall be made from and after the said first day of August, one thousand seven hundred and seventy-four, take directly, or indirectly, for loan of any monies, wares, merchandize, or other commodities whatsoever, above the value of twelve pounds for the forbearance of one hundred pounds for a year; and so after that rate for a greater or lesser sum, or for a longer or shorter time; and that all bonds, contracts, and assurances whatsoever, made after the time aforesaid, for payment of any principal or money to be lent or covenanted to be performed upon, or for any usury whereupon or whereby there shall be reserved or taken above the rate of twelve pounds in the hundred, as aforesaid, shall be utterly void; and all and every such person or persons whatsoever who shall, after the time aforesaid, upon any contract to be made after the said first day of August, one thousand seven hundred and seventy-four, take, accept, and receive, by way or means of any corrupt bargain, loan, exchange, shift, or interest of any wares, merchandizes, or other thing or things whatsoever, or by any deceitful way or mean, or by any covin, engine, or deceitful conveyance, for the forbearing or giving day of payment for one whole year, of and for their money or other thing, above the sum of twelve pounds for the forbearing of one hundred pounds for a year, and so after that rate for a greater or lesser sum, or for a longer or shorter term, shall forfeit and lose, for every such offence, treble the value of the monies, wares, merchandizes, and other things so lent, bargained, exchanged, or shifted, with costs of suit, one moiety whereof shall be to the said United Company, and the other moiety to him or them who will sue for the same in the said Supreme Court of Judicature at Fort William in Calcutta, or in the Mayor's Court in any other of the said United Company's settlements where such offence shall have been committed, by action of debt, bill, plaint, or information, in which no essoin, wager of law, or protection, shall be allowed; and in case no such action, bill, plaint, or information, shall have been brought and prosecuted with effect within three years, that then it shall and may be lawful to and for the party aggrieved to sue and prosecute for recovery of all sums of money paid over and above such rate of interest.

No person shall take on loan of monies above the rate of twelve per cent. per annum.

Persons by covin accepting loans, shall forfeit for every offence treble the value:

one moiety to go to the Company, and the other to the prosecutor.

XXXI. And be it further enacted, that no informer or plaintiff shall or may compound or agree with any person or persons that shall offend, or shall be surmised to offend, against this Act, for any offence committed, or pretended to be committed, before answer made in the said Supreme Court, unto the information or suit in that behalf exhibited or prosecuted, nor after answer, but by the order or consent of the said Court, on pain that if any person or persons shall offend in making of any composition or agreement, contrary to the true intent and meaning of this Act, or shall, by colour or pretence of process, or without process, upon colour or pretence of any matter of offence against this Act, make any composition, or take any money, reward, or promise of reward, for himself, or to the use of any other, without order or consent of the said Court; that then he or they so offending, being thereof lawfully convicted, shall, for every such offence, be liable to be fined and imprisoned, at the discretion of the said Court.

Persons making compositions contrary to the meaning of the Act,

liable to be imprisoned at the discretion of the Court.

Section 32 related to Private Trade, and was repealed by 33 Geo. 3, cap. 52, sec. 146.

Servants of the Company prosecuted for breaches of trust, on conviction to be fined and imprisoned at the discretion of the Court.

XXXIII. And be it further enacted by the authority aforesaid, that from and after the said first day of August, one thousand seven hunded and seventy-four, if any of his Majesty's subjects in India, employed by, or in the actual service of, the said United Company, shall be charged with and prosecuted for any breach of public trust, or for embezzlement of public money or stores, or for defrauding the said United Company; every such offender, being convicted thereof in the said Supreme Court of Judicature, or in any Court of Judicature in any other Presidency or Settlement in India, may be fined and imprisoned, and adjudged to be for ever after incapable of serving the said United Company, at the discretion of the Court before which he shall be tried; and immediately after the sentence of such Court shall have been executed and inflicted, shall and may be sent over to England, by such order, and in such manner, as is hereinbefore mentioned and directed, unless he shall remove himself within twelve months, and in the mean time give sufficient security so to do.(1)

(1) [In connection with the power of deportation, see 3 & 4 Wm. 4, cap. 85, secs. 81, 82, 83, and 84.]

Offences to be tried by a jury of British subjects.

XXXIV. And be it further enacted by the authority aforesaid, that all offences and misdemeanors which shall be laid, tried, and inquired of in the said Supreme Court, shall be tried by a jury of British subjects resident in the town of Calcutta, and not otherwise.(1)

(1) [By 7 Geo. 4, cap. 37, all sufficient persons, not being subjects of a foreign state, were, with certain exceptions, made eligible to serve on juries, subject to rules of Court to be approved of by the Crown. By 2 & 3 Wm. 4, cap. 117, sec. 2, the exceptions were abolished.]

The Directors may not compound or discharge sentences of the Supreme or any other Court of Justice,

nor restore persons dismissed, without consent of three parts in four of Directors, and the like majority of Proprietors in a General Court.

XXXV. And be it further enacted by the authority aforesaid, that after any judgment of the said Supreme Court of Judicature, or of any Court of Judicature at any of the said United Company's Settlements, against any of the said United Company's servants, civil or military, for any debt or penalty due or belonging to the said United Company, shall be made known to the Court of Directors for the time being of the said United Company, it shall not be lawful to release or compound such sentence or judgment, or to release, discharge, or put a stop to any prosecution, suit, or action, commenced or to be commenced, for carrying on any illicit trade, or for any debt or penalty due to the said United Company, or to restore any servant or servants whatever of the said Company, who shall have been removed or dismissed from his or their office or employment, for or upon account of any misbehaviour, without the consent of three parts in four of the said Court of Directors, to be taken by ballot, and also the consent of three parts in four in number of the proprietors of the said United Company, who shall be present, and give their votes by ballot, to be taken at a General Court to be specially called for that purpose, and of which fourteen days' public notice, at the least, shall be given before the holding the same, and of the particular occasion for which such General Court shall be called.(1)

(1) [By 33 Geo. 3, cap. 52, sec. 69, all powers of release, and of restoring servants dismissed *by sentence of Courts of Law*, is taken away.]

XXXVI. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the Governor-General and Council of the said United Company's settlement at Fort William in Bengal, from time to time, to make and issue such rules, ordinances, and regulations, for the good order and civil government of the said United Company's settlement at Fort William aforesaid, and other factories and places subordinate, or to be subordinate thereto, as shall be deemed just and reasonable (such rules, ordinances, and regulations, not being repugnant to the laws of the realm),(1) and to set, impose, inflict, and levy, reasonable fines and forfeitures for the breach or non-observance of such rules, ordinances, and regulations.

Governor-General and Council may make such regulations as may appear just.

(1) [By the 3 & 4 Wm. 4, cap. 85, sec. 43, the power of legislating for the whole of British India is vested in the Governor-General in Council.]

The remainder of the section relates to the registration of laws in the Supreme Court, which, under section 45 of 3 & 4 Wm. 4, cap. 85, is no longer necessary.

Section 37 provided for the transmission of certain documents by the Governor-General and Council to one of the Secretaries of State, and was repealed by 33 Geo. 3, cap. 52, sec. 146.

XXXVIII. And be it further enacted by the authority aforesaid, that the Governor-General and Council for the time being of the said United Company's settlement at Fort William aforesaid, and the Chief Justice and other Judges of the said Supreme Court of Judicature, shall and may, and they are hereby respectively declared to be, and to have full power and authority to act as Justices of the Peace for the said settlement, and for the several settlements and factories subordinate thereto; and to do and transact all matters and things which to the office of a Justice or Justices of the Peace do belong and appertain; and for that purpose the said Governor-General and Council are hereby authorized and empowered to hold Quarter Sessions within the said settlement of Fort William aforesaid, four times in every year; and the same shall be at all times a Court of Record.

Governor-General and Council to act as Justices of Peace.

XXXIX. And be it further enacted by the authority aforesaid, that if any Governor-General, President, or Governor, or Council of any of the said Company's principal or other settlements in India, or the Chief Justice or any of the Judges of the said Supreme Court of Judicature, to be by the said new Charter established, or of any other Court in any of the said United Company's settlements, or any other person or persons who now are, or heretofore have been employed by or in the service of the said United Company, in any civil or military station, office, or capacity, or who have or claim, or heretofore have had or claimed, any power or authority, or jurisdiction, by or from the said United Company, or any of his Majesty's subjects residing in India, shall commit any offence against this Act, or shall have been, or shall be, guilty of any crime, misdemeanor, or offence, committed against any of his Majesty's subjects, or any of the inhabitants of India, within their respective jurisdictions, all such crimes, offences, and misdemeanors, may be respectively inquired of, heard, tried, and determined in his Majesty's Court of King's Bench; and all such persons so offending, and not having been before tried for the same offence in India, shall on conviction, in any such case as is not otherwise specially provided for by this Act, be liable to such fine or

If the Governor-General, President, &c., commit offences, the same may be tried and determined in the Court of King's Bench.

corporal punishment as the said Court shall think fit; and moreover shall be liable, at the discretion of the said Court, to be adjudged to be incapable of serving the said United Company in any office, civil or military; and all and every such crimes, offences, and misdemeanors, as aforesaid, may be alleged to be committed, and may be laid, inquired of, and tried in the county of Middlesex.

Manner of procedure in cases of indictments and informations laid in the King's Bench.

XL. And whereas the provisions made by former laws (1) for the hearing and determining in England offences committed in India have been found ineffectual, by reason of the difficulty of proving in this kingdom matters done there: be it further enacted by the authority aforesaid, that in all cases of indictments or informations, laid or exhibited in the said Court of King's Bench, for misdemeanors or offences committed in India, it shall and may be lawful for his Majesty's said Court, upon motion to be made on behalf of the prosecutor, or of the defendant or defendants, to award a writ or writs of mandamus, requiring the Chief Justice and Judges of the said Supreme Court of Judicature for the time being, or the Judges of the Mayor's Court at Madras, Bombay, or Bencoolen (2), as the case may require, who are hereby respectively authorized and required accordingly to hold a Court with all convenient speed, for the examination of witnesses, and receiving other proofs concerning the matters charged in such indictments or informations respectively; and in the mean time, to cause such public notice to be given of the holding of the said Court, and to issue such summons or other process, as may be requisite for the attendance of witnesses, and of the agents or council, of all, or any of the parties respectively, and to adjourn from time to time, as occasion may require; and such examination as aforesaid shall be then and there openly and publicly taken *viva voce* in the said Court, upon the respective oaths of witnesses, and the oaths of skilful interpreters, administered according to the forms of their several religions; and shall, by some sworn officer of such Court, be reduced into one or more writing or writings on parchment, in case any duplicate or duplicates should be required by or on behalf of any of the parties interested, and shall be sent to his Majesty, in his Court of King's Bench, closed up, and under the seals of two or more of the Judges of the said Court, and one or more of the said Judges shall deliver the same to the agent or agents of the party or parties requiring the same; which said agent or agents (or, in case of his or their death, the person into whose hands the same shall come) shall deliver the same to one of the clerks in Court of his Majesty's Court of King's Bench, in the public office, and make oath that he received the same from the hands of one or more of the Judges of such Court in India (or if such agent be dead, in what manner the same came into his hands); and that the same has not been opened, or altered since he so received it (which said oath such clerk in Court is hereby authorized and required to administer); and such depositions, being duly taken and returned, according to the true intent and meaning of this Act, shall be allowed and read, and shall be deemed as good and competent evidence as if such witness had been present and sworn and examined *viva voce* at any trial for such crimes or misdemeanors, as aforesaid, in his Majesty's said Court of King's Bench, any law or usage to the contrary notwithstanding; and all parties concerned shall be entitled to take copies of such depositions at their own costs and charges.

(1) [10 Geo. 3, cap. 47, sec. 4, *et seq.*]

(2) [Bencoolen was ceded to the King of the Netherlands by treaty, dated the 17th March, 1824. The Mayor's Courts at Madras and Bombay have been abolished, and their places supplied, first, by

Recorders' Courts, and subsequently by Supreme Courts of Judicature resembling in their constitutions and functions that of Fort William, and exercising within their respective bounds of jurisdiction the same powers under the same limitations. See 37 Geo. 3, cap. 142; 39 & 40 Geo. 3, cap. 79; and 4 Geo. 4, cap. 71.]

XLI. And be it further enacted by the authority aforesaid, that in case the said Chief Justice, or Judges, of the said Supreme Court of Judicature, or any of them, for the time being, shall commit any offence against this Act, or be guilty of any corrupt practice, or other crime, offence, or misdemeanor, in the execution of their respective offices, it shall and may be lawful for his Majesty's said Court of King's Bench in England, upon an information or indictment laid or exhibited in the said Court for such crime, offence, or misdemeanor, upon motion to be made in the said Court, to award such writ or writs of mandamus, as aforesaid, requiring the Governor-General and Council of the said United Company's settlement at Fort William aforesaid, who are hereby respectively authorized and required accordingly to assemble themselves in a reasonable time, and to cause all such proceedings to be had and made as are hereinbefore respectively directed and prescribed concerning the examination of witnesses; and such examination, so taken, shall be returned and proceeded upon in the same manner, in all respects, as if the several directions hereinbefore prescribed and enacted in that behalf were again repeated.(1)

Offences against this Act committed by the Chief Justice, or Judges, to be determined by the Court of King's Bench.

(1) [*Vide* 26 Geo. 3, cap. 57, sec. 25, and 42 Geo. 3, cap. 85.]

XLII. And be it further enacted by the authority aforesaid, that in all cases of proceedings in Parliament, touching any offences against this Act, or any other offences committed in India, it shall and may be lawful for the Lord High Chancellor, or Speaker of the House of Lords, and also for the Speaker of the House of Commons for the time being, in like manner to issue his or their warrant or warrants to the Governor-General and Council of the said United Company's presidency of Fort William, and to the Chief Justice and Judges of the said Supreme Court of Judicature, or the Judges of the Mayor's Court at Madras, Bombay, or Bencoolen (1), as the case may require, for the examination of witnesses; and such examination shall be returned to the said Lord High Chancellor, or Speaker of the House of Lords, or to the Speaker of the House of Commons respectively, and proceeded upon in the same manner, in all respects, as if the several directions hereinbefore prescribed and enacted in that behalf were again particularly repeated; and every such examination, returned either to the Lord Chancellor, or Speaker of the House of Lords, or to the Speaker of the House of Commons, as aforesaid, shall be deemed good and competent evidence, and shall be allowed and read in both Houses of Parliament, or either of them respectively, as occasion may require; any law or usage to the contrary notwithstanding.

The Chancellor, or Speaker of the House of Commons, may issue warrants for the examination of witnesses in India, which shall be deemed competent evidence to both Houses of Parliament.

(1) [See note (2) on sec. 40.]

XLIII. And whereas by the usage and custom of Parliament, no proceedings by Bill in Parliament have continuance from one session to another: and whereas it would be impracticable that the examination taken upon such warrant, as aforesaid, could ever be returned within the ordinary length of a Session of Parliament: be it enacted by the authority aforesaid, that, from and after the first day of November, one thousand seven hundred and seventy-three, no proceedings in Parliament touching any offence committed, or to be com-

No proceedings in Parliament, touching offences in India, to be discontinued by any prorogation.

mitted in India, wherein such warrant as aforesaid shall have been issued, shall be discontinued by any prorogation or dissolution of the Parliament, but that such proceedings may be resumed and proceeded upon in a subsequent Session, or in a subsequent Parliament, in either House of Parliament, in like manner, to all intents and purposes, as they might have been in the course of one and the same Session; any law, usage, or custom to the contrary notwithstanding.

Writs of *mandamus* may be awarded by the Courts at Westminster, when the Company commence suits in law or equity there.

XLIV. And whereas his Majesty's subjects are liable to be defeated of their several rights, titles, debts, dues, demands, or suits, for which they have cause arising in India against other subjects of his Majesty: now, for preventing such failure of justice, be it further enacted by the authority aforesaid, that when and as often as the said United Company, or any person or persons whatsoever, shall commence and prosecute any action or suit, in law or equity, for which cause hath arisen, or shall hereafter arise, in India, against any other person or persons whatever, in any of his Majesty's Courts at Westminster, it shall and may be lawful for such Court respectively, upon motion there to be made, to provide and award such writ or writs, in the nature of a *mandamus*, or commission, as aforesaid, to the Chief Justice and Judges of the said Supreme Court of Judicature for the time being, or the Judges of the Mayor's Court at Madras, Bombay, or Bencoolen (1), as the case may require, for the examination of witnesses, as aforesaid; and such examination, being duly returned, shall be allowed and read, and shall be deemed good and competent evidence at any trial or hearing between the parties in such cause or action, in the same manner, in all respects, as if the several directions hereinbefore prescribed and enacted in that behalf were again repeated.

(1) [See note (2) on sec. 40.]

No depositions returned to be allowed as evidence in cases not proceeded against in Parliament.

XLV. Provided nevertheless, and be it enacted, that no such depositions, taken and returned as aforesaid, by virtue of this Act, shall be allowed or permitted to be given in evidence in any capital cases, other than such as shall be proceeded against in Parliament; any thing in this Act contained to the contrary notwithstanding.

The privileges of the Company, not hereby varied, shall remain in force.

XLVI. And be it further enacted by the authority aforesaid, that all and every the rights, interests, powers, privileges, and authorities, which are now vested in the said United Company of Merchants trading to the East-Indies, and which are not hereby expressly taken away, altered, or varied, shall remain to, and continue in the said Company, in as full and ample a manner, to all intents and purposes whatsoever, as if this Act had never been made.

Section 47 declares the Act to be a public one.

13 GEORGII III. Cap. LXIV.

An Act *for granting to his Majesty a Sum of Money to be raised by Exchequer Bills; and to be advanced and applied in the manner, and upon the Terms therein mentioned, for the Relief of the United Company of Merchants of England trading to the East-Indies.*

This Act contains various provisions relating to the appropriation of the revenues of India, and the reduction of the liabilities of the Company; the more material of which are adverted to in the notes on 9 & 10 Wm. 3, cap. 44, and on 34 Geo. 3, cap. 41.

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17 GEORGII III. Cap. VIII.

An Act *to Amend so much of an Act made in the Thirteenth Year of the Reign of his present Majesty (intituled, "An Act for Establish-"ing certain Regulations for the better Management of the Affairs of "the East-India Company, as well in India as in Europe"), as relates to the Day on which the Annual Election of Directors of the said Company is to be made.*

There is no part of this Act which is now law, except the fixation of the day (the second Wednesday in April) for the election of the Directors, a portion of whom are still returned by the Proprietors of East-India Stock in General Court. The entire number of Directors has been reduced, and a part are nominated by the Crown. Elections and appointments are to take place biennially only; the ordinary term of service is to be six years, and those vacating office may be re-elected or reappointed immediately. See 16 & 17 Vict. cap. 95.

19 GEORGII III. Cap. LXI.

An Act *for continuing in the Possession of the United Company of Merchants of England trading to the East-Indies, for a limited time, and under certain Conditions, the territorial Acquisitions and Revenues lately obtained in the East-Indies; and for continuing for a limited time so much of an Act, made in the thirteenth Year of the Reign of his present Majesty, intituled "An Act for "establishing certain Regulations for the better Management of the "Affairs of the East-India Company, as well in India as in Europe," as will expire in the course of the present Year.*

The preamble, after reciting Act 13 Geo. 3, cap. 64, the discharge of a certain debt, and the reduction of the Bond Debt, enacts that the Territory shall remain with the Company until the 5th April, 1780. In regard to the Bond Debt, see note on 34 Geo. 3, cap. 41, and for the continuance of the Company's possession of the territory and government of India, see note on the section last quoted in the extracts from 9 & 10 Wm. 3, cap. 44. These references apply also to the first section of the Act which immediately follows this (20 Geo. 3, cap. 56).

The remaining sections of this Act (19 Geo. 3, cap. 61) were chiefly temporary, and require no notice here.

20 GEORGII III. Cap. LVI.

An Act *for continuing in the Possession of the United Company of Merchants of England trading to the East-Indies, for a further Time, and under certain Conditions, the territorial Acquisitions and Revenues lately obtained in the East-Indies ; and for reviving, and continuing for a further Time, so much of an Act, made in the thirteenth Year of the Reign of his present Majesty, intituled, "An Act for establishing certain Regulations for the better "Management of the Affairs of the East-India Company, as well in "India as in Europe," as hath expired in the course of the present Year ; and for indemnifying the said Company for any Money they have paid, or may pay, in or about the building of three Ships of the Line for the Service of the Public.*

The preamble of this Act recites as that of the 19 Geo. 3, cap. 61, and enacts that the Company shall continue in possession of the territory until the 5th April, 1781. The succeeding sections have at this time no importance.

21 GEORGII III. Cap. LXV.

An Act *for establishing an Agreement with the United Company of Merchants of England trading to the East-Indies, for the Payment of the Sum of four hundred thousand pounds for the use of the Public, in full discharge and satisfaction of all claims and demands of the Public from the time the Bond Debt of the said Company was reduced to one million five hundred thousand pounds, until the first day of March, one thousand seven hundred and eighty-one, in respect of the territorial acquisitions and revenues lately obtained in the East-Indies; and also for securing to the Public in respect thereof, for a term therein mentioned, a certain part or proportion of the clear revenues and profits of the said Company; and for granting to the said Company, for a further term, the sole and exclusive Trade to and from the East-Indies, and limits therein mentioned; and for establishing certain Regulations for the better Management of the Affairs of the said Company, as well in India as in Europe, and the recruiting the Military Forces of the said Company.*

The preamble of this Act recites, among other matters, that the reduction of the bond debt prescribed by 13 Geo. 3, cap. 64, had been effected. (See note on 34 Geo. 3, cap. 41.) The remainder of the preamble, and also sections 2 to 4, relate to obsolete matters. By section 5 the exclusive trade was to terminate upon three years' notice after the 1st of March, 1791, and repayment of money due to the Company. For further extension of period of Government, *vide* note at the end of the extracts from 9 & 10 Wm. 3, cap. 44. Of sections 6 to 31 (with the exception of section 8, which gave the territory during the continuance of the exclusive trade), some were special or temporary, others related to trade, and the remainder have been virtually or formally repealed.

Regulations relative to raising recruits for the Company's service in India.

XXXII. And whereas it is necessary for the said United Company to keep and maintain a military force in the East-Indies, and the present method of obtaining recruits to keep up the same hath been found very inconvenient and defective; be it therefore enacted by the authority aforesaid, that it shall and may be lawful to and for the said United Company, by licence from his Majesty for that purpose, from time to time to enlist such number of men, being his Majesty's subjects, and of such ages, and for such time, as shall be expressed in such licence, to serve them as soldiers in the East-Indies, and to deposit and keep such men, not exceeding two thousand at any one time in time of war, and one thousand at any time in time of peace, at such place or places, in any part of his Majesty's dominions in Europe, as

shall be approved of for that purpose by his Majesty, until they can be sent to India; and in case any person or persons so enlisting and engaging, after he shall have signed an agreement for that purpose, and shall have declared before a magistrate, at the distance of twenty-four hours at the least after his first enlisting, that he freely and voluntarily signed such agreement, and is willing to go and serve the said United Company as a soldier in the East-Indies, shall desert from the place appointed for him to reside at till the time of his embarkation to go to the East-Indies, or shall refuse to perform his agreement, it shall be lawful for any person or persons to apprehend such person or persons, and convey him before a magistrate; and it shall be lawful for such magistrate, on proof of the case, to commit such person or persons to gaol, there to be kept in safe custody, and maintained at the expense of the said United Company, until such person can be sent to India; and it shall be lawful for the said United Company to cause such person or persons to be conveyed in custody on shipboard, to be carried to the East-Indies, in such service as aforesaid.(1)

Deserters may be committed.

(1) [*Vide* 39 Geo. 3, cap. 109; 50 Geo. 3, cap. 87; 57 Geo. 3, cap. 57; 12 & 13 Vict. cap. 43; 16 & 17 Vict. cap. 95, sec. 31; and 17 Vict. cap. 4.]

The whole of the succeeding sections, excepting the last (which declares this a Public Act), may be classed with those above noticed, numbered from 6 to 31, as unnecessary for various reasons to be quoted.

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21 GEORGII III. Cap. LXX.

An Act *to explain and amend so much of an Act, made in the Thirteenth Year of the Reign of his present Majesty, intituled "An "Act for establishing certain Regulations for the better Management "of the Affairs of the East-India Company, as well in India as in "Europe," as relates to the Administration of Justice in Bengal; and for the Relief of certain Persons imprisoned at Calcutta in Bengal, under a Judgment of the Supreme Court of Judicature; and also for indemnifying the Governor-General and Council of Bengal, and all Officers who have acted under their Orders or Authority, in the undue Resistance made to the Process of the Supreme Court.*

Whereas, in virtue of an Act passed in the thirteenth year of his present Majesty's reign, intituled, "An Act for establishing certain Regulations for the better Management of the "Affairs of the East-India Company, as well in India as in Europe," his Majesty, by his Royal Letters Patent of the twenty-sixth day of March, in the fourteenth year of his reign, did create and constitute a Court of Record, to be within the factory of Fort William, at Calcutta in Bengal, called the Supreme Court of Judicature at Fort William in Bengal, with sundry directions, powers, and authorities, to the said Court, in the said Letters Patent set forth and expressed: and whereas many doubts and difficulties have arisen concerning

Preamble.

Recital of 13 G. 3, c. 63.

the true intent and meaning of certain clauses and provisions in the said Act and Letters Patent, and by reason thereof dissension hath arisen between the Judges of the Supreme Court and the Governor-General and Council of Bengal; and the minds of many inhabitants subject to the said Government have been disquieted with fears and apprehensions; and further mischiefs may possibly ensue from the said misunderstandings and discontents, if a seasonable and suitable remedy be not provided: and whereas it is expedient that the lawful Government of the provinces of Bengal, Bahar, and Orissa, should be supported, that the revenues thereof should be collected with certainty, and that the inhabitants should be maintained and protected in the enjoyment of all their ancient laws, usages, rights, and privileges: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the Governor-General and Council of Bengal shall not be subject, jointly or severally, to the jurisdiction of the Supreme Court of Fort William in Bengal, for or by reason of any act or order, or any other matter or thing whatsoever, counselled, ordered, or done by them in their public capacity only, and acting as Governor-General and Council.

The Governor-General and Council of Bengal not to be subject to the Supreme Court.

Persons impleaded in the Supreme Court for acts done by order of the Governor-General and Council may plead the general issue.

II. And it is hereby enacted and declared, that if any person or persons shall be impleaded in any action or process, civil or criminal, in the said Supreme Court, for any act or acts done by the order of the said Governor-General and Council in writing, he or they may plead the general issue, and give the said order in evidence; which said order, with proof that the act or acts done has or have been done according to the purport of the same, shall amount to a sufficient justification of the said acts, and the defendant shall be fully justified, acquitted, and discharged from all and every suit, action, and process whatsoever, civil or criminal, in the said Court.

Proviso.

III. Provided always, that with respect to such order or orders of the said Governor-General and Council as do or shall extend to any British subject or subjects, the said Court shall have and retain as full and competent jurisdiction as if this Act had never been made.(1)

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 43, the Governor-General in Council is empowered to make laws for all persons and all Courts, without exception.]

The Governor-General, &c., to remain liable to any complaint before a competent Court in this kingdom.

IV. Provided also, that nothing herein contained shall extend, or be construed to extend, to discharge or acquit the said Governor-General and Council, jointly or severally, or any other person or persons acting by or under their order, from any complaint, suit, or process, before any competent Court in this kingdom, or to give any other authority whatsoever to their acts, than acts of the same nature and description had, by the laws and statutes of this kingdom, before this Act was made.

If any person making complaint to the Supreme Court against the Governor-General, &c., shall execute a bond to the Company to prosecute the same in some competent Court in Great Britain, &c.,

V. And in order to prevent all abuse of the powers given to the Governor-General and Council, be it further enacted, that in case any person, by himself, or his attorney or counsel, shall make a complaint to the Supreme Court, and enter the same in writing, and upon oath, of any oppression or injury, charging the same to be committed by the said Governor-General or any member or members of the Council, or any other person or persons by or in virtue of any order given by the said Governor-General and Council, and shall execute a bond, with some other person whom the said Court shall deem responsible, jointly and severally, to the United East-India Company, in such a penalty as the Court shall appoint,

effectually to prosecute the said complaint, by indictment, information, or action, in some competent Court in Great Britain, within two years of the making of the same, or of the return into Great Britain of the party or parties against whom the same is made; that then, and in such case, the party complaining shall be, and is hereby enabled to compel, by order of the Court, the production in the said Supreme Court of true copy or copies of the order or orders of Council complained of, and to have the same authenticated by the Court, and to examine witnesses upon the matter of the said complaint, and also on the part of the person or persons complained of; and the said parties, as well complaining as complained of, shall have and enjoy severally all manner of advantages, rights, and privileges, relative to proof of the said complaint or defence, and also relative to any *mandamus* or commission to be issued by any of his Majesty's Courts in Westminster Hall, in case the Court upon motion shall think fit to issue the same, as are provided in case of any suit in such cases by an Act of the thirteenth year of his Majesty's reign, intituled, "An Act for establishing certain Regulations "for the better Management of the Affairs of the East-India Company, as well in India as in "Europe;" and the Supreme Court shall have the same powers for the compelling witnesses to appear and be examined, and the same rules and directions shall be observed for the transmitting the depositions of witnesses and other papers to this kingdom, as are provided by the said recited Act.

such person may compel, by order of the Court, the production of copies of the orders complained of, &c.

VI. And be it further enacted, that all copies so authenticated of orders of the said Governor-General and Council, and also the depositions which shall have been taken in manner aforesaid before the Supreme Court, shall be received in evidence in any of his Majesty's Courts of Law or Equity at Westminster.

Authenticated copies of orders, &c., shall be received in evidence in the Courts at Westminster.

VII. And be it further enacted, that no prosecution or suit shall be carried on against the said Governor-General, or any member of the Council, before any Court in Great Britain (the High Court of Parliament only excepted), unless the same shall be commenced within five years after the offence committed, or within five years after his arrival in England.(1)

Limitation of actions.

(1) [*Vide* 53 Geo. 3, cap. 155, sec. 124, and 55 Geo. 3, cap. 84, sec. 9.]

VIII. And be it further enacted, that the said Supreme Court shall not have or exercise any jurisdiction in any matter concerning the revenue, or concerning any Act or Acts ordered or done in the collection thereof, according to the usage and practice of the country, or the regulations of the Governor-General and Council.

Supreme Court not to have any jurisdiction in any matter concerning the revenue.

IX. And for removing all doubts concerning the persons subject to the jurisdiction of the said Supreme Court, be it enacted, that no person shall be subject to the jurisdiction of the Supreme Court, for or by reason of his being a landowner, landholder, or farmer of land, or of land-rent, or for receiving a payment or pension in lieu of any title to, or ancient possession of, land or land-rent, or for receiving any compensation or share of profits for collecting of rents payable to the public out of such lands or districts as are actually farmed by himself, or those who are his under-tenants, in virtue of his farm, or for exercising within the said lands and farms any ordinary or local authority commonly annexed to the possession or farm thereof, within the provinces of Bengal, Bahar, and Orissa, or for or by reason of his becoming security for the payment of the rents reserved or otherwise payable out of any lands or farms, or farms of land, within the provinces of Bengal, Bahar, and Orissa.

No person shall be subject to the jurisdiction of the Supreme Court on account of his being a landowner or farmer of land, &c.;

X. And be it further enacted, that no person, for or by reason of his being employed by the Company, or the Governor-General and Council, or by any person deriving authority under them, or for or on account of his being employed by a native or descendant of a native

nor for being employed by the Company, &c.

of Great Britain, shall become subject to the jurisdiction of the Supreme Court in any matter of inheritance, or succession to lands or goods, or in any matter of dealing or contract between party or parties, except in actions for wrongs or trespasses, and also except in any civil suit by agreement of parties in writing to submit the same to the decision of the said Court.

Except in actions for trespasses, &c.

The name, description, and place of abode, of every native employed in the service of the Company, in any judicial office, &c., shall be entered in a book.

XI. And for the more perfectly ascertaining those of the natives who shall be subject to the jurisdiction of the Supreme Court, on account of their being employed by any of his Majesty's British subjects; be it enacted, that, on or before the first day of January, one thousand seven hundred and eighty-three, the Governor-General and Council shall cause the name, description, and place of usual abode, of all and every native employed in the service of the East-India Company in any judicial office, or as principal native officer of any district in the collection of revenue, or in any commercial concerns of the Company (except as hereinbefore excepted), to be entered in a book or books alphabetically disposed, distinguishing the district in which the said officers are employed; of which book or books two copies shall be made, one of which shall remain in the provincial office, and the other of which shall be registered in the Supreme Court; and the Governor-General and Council are hereby required to register, or cause to be registered, the name of every person who shall afterwards be appointed to succeed to any office, vacant or new created, within three months of the said appointment or creation.

On the death of any person employed by the Company, his name shall be entered in a book.

XII. And be it further enacted, that whenever any person or persons shall happen to die, or shall be removed from any judicial office or employment whatsoever, in the service of the East-India Company, the name or names of such person or persons so dying or removed, as aforesaid, shall be entered in a book or books for that purpose, to be kept in the manner aforesaid.

All British subjects shall enter, in the provincial office, the name and place of abode of their native stewards, agents, &c.

XIII. And it is hereby further enacted, that all and every of his Majesty's British subjects shall, in like manner, cause to be entered in the provincial office of the district in which the said British subject doth most commonly reside, the name, description, and place of abode, of his native steward or stewards, agent or agents, or partner or partners, in any concern of revenue or merchandize (if any such steward, agent, or partner he hath), and in like manner shall enter, or cause to be entered, within three months from the time of succession, or new appointment, or new partnership, the names of him or them who are dismissed, dead, or new appointed, in the said provincial office; and the President of the said Council is directed to transmit, within three months, to Calcutta, the name of every person who shall succeed to the said employment or partnership, for which a fee of one sicca rupee for every entry, and no more, shall be paid to the officer keeping the said register.

Penalty on British subjects employing any native agent, &c., not so registered.

XIV. And be it further enacted, that if any British subject shall be convicted, before the Supreme Court, of employing any native agent, or engaging with any native partner, not registered as hereinbefore is provided, or who shall be, *bonâ fide*, and in effect and substance, such agent or partner (although by covin, collusion, or deceit, the same may be recovered and concealed, contrary to the true intent and meaning of this Act), the said British subject, if in the Company's service, shall forfeit, on conviction, the sum of five hundred pounds, and if not in the Company's service, shall forfeit one hundred pounds, to any person suing for the same.

No native entitled to any salary before he is registered.

XV. And it is hereby further enacted, that no native shall, after the first day of January, one thousand seven hundred and eighty-three, be entitled to receive any fee or salary, except from the day of the date of his registry.

XVI. And be it further enacted, that if any British European subject shall engage in any concern of trade with a native partner not registered as herein directed, the said British subject shall not be entitled to recover or receive any sum or sums of money by reason of the said joint concern, or to compel an account thereof, by any suit in law or equity, in any Court within the said provinces ; and any person, prosecuting to conviction, in the Supreme Court, a British subject having a native partner or agent not being registered as aforesaid, shall be entitled to and shall recover, by due process of the said Court, the whole of the salary engaged for, and shall also be entitled to an account and receipt of the said British subject's share of profit of any partnership entered into with any person or persons not conforming to the regulations of this Act.

Penalty on British European subjects engaging in trade with native partners not registered.

XVII. Provided always, and be it enacted, that the Supreme Court of Judicature at Fort William in Bengal shall have full power and authority to hear and determine, in such manner as is provided for that purpose in the said Charter or Letters Patent, all and all manner of actions and suits against all and singular the inhabitants of the said city of Calcutta, provided that their inheritance and succession to lands, rents, and goods, and all matters of contract and dealing between party and party, shall be determined, in the case of Mahomedans, by the laws and usages of Mahomedans, and in the case of Gentûs, by the laws and usages of Gentûs ; and where only one of the parties shall be a Mahomedan or Gentû, by the laws and usages of the defendant.(1)

How the Supreme Court shall determine actions between Mahomedan and Gentû inhabitants of Calcutta.

(1) [The Act of the Government of India, No. 9 of 1837, provides for the transmission of immovable property, situate within the jurisdiction of the Courts established by Royal Charter, on the death and intestacy of any Parsee, or by the last will of any such.]

By Act of Government of India, No. 21 of 1850, so much of any law or usage, previously in force within the territories of the East-India Company, as inflicted forfeiture, or affected the right of inheritance in any person, on account of the renunciation of, or exclusion from, any religion or deprivation of caste, ceased to prevail, whether in the Courts of the East-India Company or those of the Crown. This will apply to the preceding section as well as to that which follows.

XVIII. And, in order that regard should be had to the civil and religious usages of the said natives, be it enacted, that the rights and authorities of fathers of families, and masters of families, according as the same might have been exercised by the Gentû or Mahomedan law, shall be preserved to them respectively within their said families ; nor shall any acts done in consequence of the rule and law of caste, respecting the members of the said families only, be held and adjudged a crime, although the same may not be held justifiable by the laws of England.

The authority of fathers and masters of families, among the natives, to be preserved, &c.

XIX. And be it further enacted, that it shall and may be lawful for the Supreme Court of Judicature at Fort William in Bengal, to frame such process, and make such rules and orders for the execution thereof, in suits civil or criminal against the natives of Bengal, Bahar, and Orissa, as may accommodate the same to the religion and manners of such natives, so far as the same may consist with the due execution of the laws and attainment of justice.

The Supreme Court may frame such forms of process, &c. in suits against the natives as shall suit their religion and manners.

Such forms to be transmitted to one of the Secretaries of State for his Majesty's approbation.

XX. Provided always, and be it enacted, that such new forms of process, and rules and orders for the execution thereof, shall be forthwith transmitted to one of his Majesty's principal Secretaries of State, to be laid before his Majesty for his royal approbation, correction, or refusal; and such process shall be used, and such rules and orders shall be observed, until the same shall be repealed or varied, and in the last case with such variations as shall be made therein.

The Governor-General, &c., may determine on appeals, and shall be deemed a Court of Record;

XXI. And whereas the Governor-General and Council, or some Committee thereof or appointed thereby, do determine on appeals and references from the Country or Provincial Courts in civil causes: be it further enacted, that the said Court shall and lawfully may hold all such pleas and appeals in the manner and with such powers as it hitherto hath held the same, and shall be deemed in law a Court of Record; and the judgments therein given shall be final and conclusive, except upon appeal to his Majesty, in civil suits only, the value of which shall be five thousand pounds and upwards. (1)

(1) [See note on section 4 of 37 Geo. 3, cap. 142.]

and shall determine on all offences committed in collecting the revenue, &c.

XXII. And it is hereby further enacted, that the Court aforesaid shall and is hereby declared to be a Court to hear and determine on all offences, abuses, and extortions committed in the collection of revenue, or of severities used beyond what shall appear to the said Court customary or necessary to the case, and to punish the same according to sound discretion, provided the said punishment does not extend to death, or maiming, or perpetual imprisonment.

Governor-General and Council may frame regulations for the Provincial Courts, &c.

XXIII. And it is hereby enacted, that the Governor-General and Council shall have power and authority from time to time to frame regulations for the Provincial Courts and Councils, and shall, within six months after the making the said regulations, transmit or cause to be transmitted copies of all the said regulations to the Court of Directors, and to one of his Majesty's principal Secretaries of State, which regulations his Majesty in Council may disallow or amend; and the said regulations, if not disallowed within two years, shall be of force and authority to direct the said Provincial Courts, according to the tenor of the said amendment, provided the same do not produce any new expense to the suitors in the said Court. (1)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 43, et seq.]

Judicial officers in the Country Courts not liable to actions for wrong, &c., in the Supreme Court for their decrees, &c.

XXIV. And whereas it is reasonable to render the provincial magistrates, as well natives as British subjects, more safe in the execution of their office; be it enacted, that no action for wrong or injury shall lie in the Supreme Court against any person whatsoever exercising a judicial office in the Country Courts, for any judgment, decree, or order of the said Court, nor against any person for any act done by or in virtue of the order of the said Court.

No rule, &c., shall be made on information against any such officer, until proper notice has been given to him.

XXV. And be it further enacted, that in case of an information intended to be brought or moved for against any such officer or magistrate, for any corrupt act or acts, no rule or other process shall be made or issued thereon, until notice be given to the said magistrate or officer, or left at his usual place of abode, in writing, signed by the party or his attorney, one month, if the person exercising such office shall reside within fifty miles of Calcutta, two months if he shall reside beyond fifty miles, and three months if he shall reside beyond one hundred miles from Calcutta, before the suing out or serving the same; in which notice the cause of complaint shall be fully and explicitly contained; nor shall any verdict be given against such magistrate, until it be proved on trial that such notice hath been given; and in default of such proof, a verdict with costs shall be given for the defendant.

XXVI. And be it further enacted, that no magistrate shall be liable in any such case to any personal caption or arrest, nor shall be obliged to put in bail, until he shall have declined to appear to answer after notice given as directed by this Act, and service of the process directing his appearance by himself or his attorney.(1)

No such magistrate liable to arrest, until he shall have declined to appear to answer, &c.

(1) [See Act of Government of India, No. 18 of 1850.]

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23 GEORGII III. Cap. XXXVI.

An Act *to discharge and indemnify the United Company of Merchants of England trading to the East-Indies, from all Damages, Interest, and Losses, in respect to their not making regular Payment of certain Sums due, and to become due, to the Public, and to allow further time for such Payment; and to enable the Company to borrow a certain Sum of Money; and to make a Dividend of Four Pounds per Centum to the Proprietors at Midsummer, one thousand seven hundred and eighty-three.*

Section 2 of this Act sanctions an increase of the Bond Debt of the Company. See note on 34 Geo. 3, cap. 41.

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23 GEORGII III. Cap. LXXXIII.

An Act *for granting Relief to the United Company of Merchants of England trading to the East-Indies, by allowing further Time for the Payment of certain Sums due, and to become due, to the Public, and by advancing to the said Company, on the terms therein mentioned, a certain Sum of Money to be raised by Loans or Exchequer Bills; and to enable the said Company to make a Dividend of Four Pounds per Centum to the Proprietors at Christmas, one thousand seven hundred and eighty-three; and to regulate the future Payment of Debentures of Drawbacks on East-India Goods.*

Section 8 of this Act refers, among other matters, to a contemplated reduction of the Company's Bond Debt. See note referred to under the last title.

24 GEORGII III. Cap. XXV.

An Act *for the better Regulation and Management of the Affairs of the East-India Company, and of the British Possessions in India; and for Establishing a Court of Judicature for the more speedy and effectual Trial of Persons accused of Offences committed in the East-Indies.*

The present mode of conducting the Home Government of India originated in this Act, under which a Board of Commissioners for the affairs of India was first established. The first seventeen sections relate to the Constitution and Powers of such Board, but these, together with sections 18 to 29, were repealed by 33 Geo. 3, cap. 52, sec. 146. Section 30 repeals so much of 21 Geo. 3, cap. 63, as directs copies of certain documents to be delivered to the Treasury, or one of the Secretaries of State. Sections 31 to 36 were repealed by 33 Geo. 3, cap. 52, sec. 146. Sections 37, 38, and 39, referring to claims of British subjects on the Nabob of the Carnatic, are omitted, the transactions having been brought to a conclusion. Sections 40 to 46 were repealed by 33 Geo. 3, cap. 52, sec. 146. Section 47 repeals part of 13 Geo. 3, cap. 65, relating to presents. Sections 48 to 54 were repealed by 33 Geo. 3, cap. 52, sec. 146. Sections 55 to 62, relating to the delivery of inventories for the disclosure of property acquired by the Company's servants, were repealed by 26 Geo. 3, cap. 57, sec. 31. Section 63 was repealed by 33 Geo. 3, cap. 52, sec. 146.

Method of procedure against British subjects who shall be guilty of extortion or other misdemeanors, in the East-Indies.

LXIV. And whereas it would conduce to the better government, management, and ordering of the territories, possessions, revenues, and commerce of the said United Company, if some more effectual course than the common law hath provided were devised for the prosecuting and bringing to speedy and condign punishment persons guilty of the crime of extortion and other misdemeanors committed in the East-Indies by British subjects holding offices or employments there under his Majesty, his heirs or successors, or under the said United Company: be it therefore enacted by the authority aforesaid, that it shall and may be lawful to and for the Coroner and Attorney of our Lord the King, in the Court of King's Bench, by rule of the Court of King's Bench, to be obtained upon motion to be made for that purpose at the instance of any person or persons (and which rule the said Court is hereby empowered to grant at their discretion, if the magnitude and circumstances of the case shall appear to the said Court to render it proper), or for his Majesty's Attorney-General, or for the Court of Directors or Court of Proprietors of the said United Company, in the name of the said United Company, to exhibit in the said Court of King's Bench an information against any such person for any such offence as aforesaid committed after the

first day of March, one thousand seven hundred and eighty-five, whereupon the said Court shall and may, at the instance of the prosecutor, cause the party against whom such information shall have been exhibited as aforesaid, to be attached, and may and shall order him to stand committed to the prison of the Marshalsea, or to the Tower of London, or to the gaol of Newgate, at the discretion of the said Court, there to be detained until he shall be delivered by due course of law, or until he, together with two sufficient sureties, shall have entered into a recognizance unto the King's Majesty, his heirs and successors, in such sum of money and with such condition for his appearance, and for satisfying the judgment to be pronounced in and upon such information, as to the said Court in its discretion shall seem meet; and when the defendant shall have appeared and pleaded to the said information, the Chief Justice, or some of the Justices of the said Court of King's Bench, shall within ten days (unless any *mandamus* shall be granted for the examination of witnesses as hereinafter provided, upon a motion to be made within a time to be limited by the said Court of King's Bench for that purpose) deliver the record of the said information and plea to the Lord High Chancellor of Great Britain, or Lord Keeper or Lords Commissioners for the custody of the Great Seal of Great Britain, who shall thereupon issue a commission under the said Great Seal in manner hereinafter provided.

If any person accused shall neglect to appear, &c., the information shall proceed notwithstanding.

LXV. And be it further enacted, that if any person or persons against whom any information shall be exhibited under the authority of this Act shall neglect or refuse, within such respective times as shall be allowed to him or them for those purposes by the rules or according to the discretion of the said Court, to appear and plead not guilty to such information, it shall and may be lawful for his Majesty's Attorney-General, or other prosecutor, to cause an appearance and the plea of not guilty to be entered for such person or persons; and the said information shall thereupon proceed as if the party or parties had appeared, and pleaded not guilty thereto.

Within thirty days from the commencement of every session, the House of Lords shall choose by ballot twenty-six Members of their House, and the House of Commons forty of theirs.

LXVI. And be it further enacted, that within thirty days from the commencement of the next and every future session of Parliament, the Lords spiritual and temporal shall proceed to choose, nominate, and appoint twenty-six or more Members of their House, and the Commons of Great Britain, in Parliament assembled, forty or more Members of the said House of Commons, to be chosen by ballot; and the Speaker of each House respectively shall cause the list of the said names, so chosen, to be transmitted, under their respective hands and seals, to the Clerk of the Crown in Chancery, or his deputy: And that whenever a commission is to be issued under the Great Seal of Great Britain, by virtue of this Act, the lists so returned shall be delivered over to such three Judges of the Courts of King's Bench, Common Pleas, or Exchequer, as the said Courts shall for that purpose respectively appoint, one Judge being nominated from each of the said Courts respectively; and if the said lists shall contain more than twenty-six Members of the House of Lords, or forty of the House of Commons respectively, the said Judges shall, within three days from the receipt thereof, cause the names contained in the said list or lists of either or both Houses respectively (as the case may happen) to be put into a box or boxes, and twenty-six names of the said Peers, and forty names of the said Commons, to be publicly drawn by lot, in the presence of the said Judges; and that the said three Judges shall have power and authority, and they are hereby required to give notice to all such Members of the two Houses of Parliament, whose names shall have been so returned, or drawn by lot as aforesaid, and also to his Majesty's Attorney-General, or other prosecutor, and also to the party accused, as the case may require, of the time and place to be appointed by the said Judges (not exceeding twenty days from such lists being delivered to them as aforesaid) for proceeding in the execution of this Act; and

The lists to be delivered to three Judges appointed by the different Courts.

Names of the Members of either House returned, &c., who shall not attend on receiving proper notice, to be transmitted to the Speaker.

Defaulters to forfeit £500 each.

the names of all such Members of either House of Parliament as shall not attend in consequence of such notice, shall be transmitted to the Speaker of each House respectively, within three days, if Parliament be then sitting, or if not, within three days after the next meeting of Parliament; and all such persons as shall appear to have made default as aforesaid, shall forfeit to his Majesty, his heirs and successors, the sum of five hundred pounds each, unless they shall offer such excuses as shall appear to each House of Parliament respectively to be valid and sufficient: And if any Member of either House of Parliament, whose name shall have been drawn by lot in the presence of the said Judges as aforesaid, shall have departed this life, or shall hold any civil office of profit under the Crown during his Majesty's pleasure, or shall be, or shall have been, a member of the said Board for the affairs of India, or shall be, or shall have been, a Director of the said Company, or shall hold, or shall have held, any office or employment in the service of the said Company in India, then, in each and every such case, another name shall be drawn out of the same box (if any such name there be) instead of the name of such person.

The senior Judge present to be President of the meeting.

LXVII. And be it further enacted, that the senior of the said three Judges present at the respective meetings of the said Special Commissioners shall be the President of such meeting or meetings: and that all questions, resolutions, and determinations before the said Special Commissioners, shall be by a majority of voices of the Special Commissioners then and there present; and if the voices shall be equal, the then President shall have a second or casting voice.

Five sections of this Act, 68 to 72, are here omitted, as they consist of provisions relating to the constitution of the Court, and the modes of proceeding, which are either varied by 26 Geo. 3, cap. 57, or repeated therein.

Commissioners to appoint a Register.

LXXIII. And be it further enacted, that the said Special Commissioners shall nominate and appoint a fit and proper person or persons to act as their Register or Registers in the execution of the said Commission: and when and so soon as the said Commission shall have been fully executed, the said Commission, and the information and plea, and the judgment had thereupon, and all the depositions and examinations, and other proceedings concerning the premises, shall be delivered over by such Register or Registers unto the Clerk of the Crown in the Court of King's Bench, to be kept and recorded in that Court.

Subpœnas may be issued for the attendance of witnesses.

Non-attendance to be deemed a misdemeanor.

LXXIV. And be it further enacted by the authority aforesaid, that subpœnas requiring the attendance, before the Special Commissioners to be appointed under this Act, of any witness or witnesses as or on behalf of any person or persons prosecuted under the authority of this Act, may be issued out of the Crown Office of the Court of King's Bench; and in case any witness, having due notice of such subpœna, shall not attend in obedience to such subpœna, his non-attendance shall be deemed a misdemeanor, and subject him to be indicted; and in case any such witness shall attend, but shall refuse to be examined, it shall and may be lawful for the said Special Commissioners to punish such witness by fine or imprisonment, at their discretion.

Commissioners may send for persons, papers, and records;

LXXV. And be it further enacted, that the said Special Commissioners shall have full power and authority, by virtue of this Act, to send for persons, papers, and records, and to examine all witnesses, who shall come or be brought before them, upon oath, to be taken before them, and to cause the examinations of such witnesses, if they shall so think fit, to be reduced into

writing, and to be signed and subscribed by such witnesses respectively; and if any person brought before the said Special Commissioners shall prevaricate in his evidence, or shall otherwise misbehave himself before the said Special Commissioners, the said Special Commissioners shall and may, if they shall so think fit, commit such person to the prison of the Fleet, or the gaol of Newgate, there to remain for such time as the said Special Commissioners shall appoint, unless the said Commissioners shall order them to be released sooner, which they are hereby empowered to do; and if any such witness shall wilfully give any false evidence before the said Special Commissioners, such witness shall be deemed guilty of wilful and corrupt perjury, and shall and may be indicted and punished for the same accordingly.

and may commit prevaricators to the Fleet, &c.

LXXVI. And be it further enacted, that the recognizance to be entered into as aforesaid, shall bind the property of all and singular the goods and chattels, which were the goods and chattels of the principal party entering into such recognizance at the time of his entering into the same, or which he shall or may acquire at any time afterwards, and before he shall be discharged from such recognizance; and shall also bind all estate and interest in all lands, tenements, and hereditaments, whereof the said principal party shall be seized or possessed, or whereof any person or persons, in trust for the party so entering into such recognizance (at the time of his entering into the same, or at any time afterwards, and before he shall be discharged therefrom), shall be seized or possessed.

The recognizance aforesaid shall bind all the goods of the principal party at the time of entering into the same, &c.

LXXVII. And be it further enacted, that where the party against whom such information shall have been exhibited as aforesaid shall be adjudged to be guilty of the crime charged in such information, and shall be adjudged to pay a fine unto his Majesty, his heirs and successors, that it shall and may be lawful for his Majesty's Attorney-General, or for the said United Company, or other prosecutor, to exhibit interrogatories before the Court of Exchequer, for the examination of the party adjudged to pay such fine as aforesaid, as to his estate and effects sufficient to answer the same fine; and if the said party shall not appear, or shall refuse to answer to such interrogatories, or shall wilfully conceal any part of his estate or effects, hereinbefore declared to be bound by such recognizance as aforesaid, or which shall by law be liable to be extended in satisfaction thereof, such party, on his default of appearance before such Court, or on his refusal to answer such interrogatories, shall forfeit to the King's Majesty, his heirs and successors, all and singular his goods and chattels, lands, tenements, and hereditaments whatsoever, and shall be liable to be imprisoned in the gaol of Newgate, or the Tower of London, for such time as the said Court of Exchequer shall direct.

Where the party shall be found guilty, and adjudged to pay a fine, he may be examined by interrogatories in the Court of Exchequer as to his estate and effects.

If he shall not appear, or refuse to answer, &c., he shall forfeit all his estate, and be committed.

LXXVIII. And whereas the provisions made by former laws for the hearing and determining in England offences committed in India, have been found ineffectual by reason of the difficulty of proving, in this kingdom, matters done there; be it further enacted by the authority aforesaid, that in all cases of informations laid or exhibited by virtue of this Act in the said Court of King's Bench, for misdemeanors or offences committed in India, it shall and may be lawful for his Majesty's said Court, upon motion to be made on behalf of his Majesty's Attorney-General, or other prosecutor, or of the defendant or defendants, to award a writ or writs of *mandamus*, requiring the Chief Justice and Judges of the Supreme Court at Fort William in Calcutta for the time being, or the Judges of the Mayor's Court of any of the British settlements in India, as the case may require, who are hereby respectively authorized and required accordingly, to hold a Court with all convenient speed for the examination of witnesses, and receiving other proofs concerning the matters charged in such informations respectively; and in the mean time to cause such public notice to be given of the holding the

Depositions of witnesses taken in India, and transmitted to the Court of King's Bench, may be read before the Special Commissioners, and shall be deemed competent evidence.

said Court; and to issue such summons or other process as may be requisite for the attendance of witnesses, and of the agents or counsel of all or any of the parties respectively, and to adjourn from time to time, as occasion may require; and such examination as aforesaid shall be then and there openly and publicly taken, *viva voce*, in the said Court, upon the respective oaths of witnesses, and the oaths of skilful interpreters, administered according to the forms of their several religions, and shall, by some sworn officer of such Court, be reduced into one or more writing or writings on parchment, in case any duplicate or duplicates should be required by or on behalf of any of the parties interested, and shall be sent to his Majesty, in his Court of King's Bench, closed up, and under the seals of two or more of the Judges of the said Supreme Court; and one or more of the Judges of the said Supreme Court shall deliver the same to the agent or agents of the party or parties requiring the same; which said agent or agents (or, in case of his or their death, the person into whose hands the same shall come) shall deliver the same to one of the clerks in Court of his Majesty's Court of King's Bench, in the public office, and make oath that he received the same from the hands of one or more of the Judges of such Court in India (or in what manner the same came into his hands), and that the same has not been opened or altered since he so received it (which said oath such clerk in Court is hereby authorized and required to administer); and such depositions, being duly taken and returned, according to the true intent and meaning of this Act, shall be allowed and read before the said Special Commissioners, and shall be deemed as good and competent evidence as if such witness had been present, and sworn and examined *viva voce*, at any trial, before the said Special Commissioners, for such crimes or misdemeanors as aforesaid, any law or usage to the contrary notwithstanding; and all parties concerned shall be entitled to take copies of such depositions at their own costs and charges; and the Chief Justice of the said Court of King's Bench, or one of the Judges of the said Court, shall, with all convenient speed after such deposition shall have been so received, together with the said information and plea, cause the same to be delivered over to the Lord High Chancellor, or Lord Keeper, or Lords Commissioners for the custody of the Great Seal of Great Britain, who shall thereupon issue the Commission under the Great Seal, in the manner by this Act directed.

Chief Justice of the King's Bench, &c., to deliver the deposition, &c., to the Lord Chancellor.

Restriction as to the delivery thereof.

LXXIX. Provided always, and it is hereby further enacted, that no information, or plea, or deposition, which by this Act is directed to be delivered over by the Chief Justice of the Court of King's Bench, or one of the Judges of the said Court, to the Lord High Chancellor, or Lord Keeper, or Lords Commissioners for the custody of the Great Seal of Great Britain, shall be so delivered over, at any other time than during some one of the three usual and accustomed terms hereinafter mentioned; that is to say, Hilary Term, Easter Term, or Michaelmas Term.

Writings received by the Court of Directors from India, and copies of writings sent by the Court to their servants there, relative to the charge in the information, &c., may be admitted by the Commissioners as evidence.

LXXX. And, in order to promote the ends of justice in ascertaining facts committed at so great a distance from this country, by such evidence as the nature of the case will render practicable; be it further enacted, that in all proceedings upon such information as aforesaid, as well the depositions taken under such commission or commissions, after the publication thereof, as also all writings which shall have been transmitted from the East-Indies to the Court of Directors of the said United Company, by their officers or servants resident in the East-Indies, in the usual course of their correspondence with the said Court of Directors, and copies of all writings which shall have been transmitted by the said Court of Directors, or by any committee thereof, to the officers and servants of the said United Company resident in the East-Indies, and which in any manner relate to the subject matter of the charge to be contained in such information, or to the defence to be made thereto, may be admitted by the said Commissioners to be offered in evidence, and shall not be deemed inadmissible or incompetent,

unless upon objections arising from the nature of the contents of the said writings; subject nevertheless to be impeached, in point of credibility, by such observations and objections as the nature of such evidence, or other circumstances, may suggest; any rule of the common law to the contrary notwithstanding.

LXXXI. And be it further enacted, that the said Court of King's Bench shall have power and autho ity, at the prayer of his Majesty's Attorney-General, or other prosecutor, or of the party against whom such information shall be exhibited, to order an examination *de bene esse*, of witnesses, upon interrogatories, to be had and taken before an examiner, to be by them appointed for that purpose, or by commission, as the case shall require, and to cause the depositions of such witnesses to be published, when the same shall appear to them to be proper and necessary; and which depositions shall be afterwards admitted to be read in evidence before the said Commissioners, and shall be deemed good and sufficient evidence in the law as aforesaid; saving all just exceptions to be taken to such depositions, when the same shall be offered to be read as aforesaid.

Court of King's Bench, at the prayer of the prosecutor, &c., may order an examination of witnesses upon interrogatories, &c.

LXXXII. And be it further enacted by the authority aforesaid, that no prosecution in consequence of this Act shall be commenced, unless within the space of three years after the return of the party prosecuted into Great Britain, or within three years after the delivery of the inventory or particular required by this Act. (1)

Limitation of prosecutions.

(1) [The provisions respecting the delivery of the inventory here alluded to were repealed, as already mentioned, by 26 Geo. 3, cap. 57, which see for further provisions respecting the Court of Judicature for the trial of offences committed in India.]

Section 83 provides, that nothing contained in the Act shall affect the rights of the public or of the Company respecting the territory and revenues. Section 84 fixes the commencement of the Act, both in Great Britain and India. Section 85 declares it to be a public Act.

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24 GEORGII III. Cap. XXXIV.

An Act *for the Relief of the East-India Company with Respect to the Payment of certain Sums due to the Public, and to the Acceptance of certain Bills drawn upon the said Company, and for regulating the Dividends to be made by the said Company.*

The 4th section of this Act makes provision for a reduction of the Bond Debt of the Company. On this subject see the note on 34 Geo. 3, cap. 41.

26 GEORGII III. Cap. XVI.

An Act *to explain and amend certain Provisions of an Act, made in the twenty-fourth year of the reign of his present Majesty, respecting the better Regulation and Management of the Affairs of the East-India Company.*

By the 33 Geo. 3, cap. 52, the whole of this Act is repealed, except such parts as repeal former Acts. The only sections which fall within the exception are the third and fifth, which repeal certain parts of the 24 Geo. 3, cap. 25; but the whole of that Act (excepting parts which relate to certain temporary arrangements, to the new Court of Judicature for trying offenders, or which go to repeal former Acts) having been repealed by the said 33 Geo. 3, cap. 52, it is unnecessary to print those sections here.

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26 GEORGII III. Cap. LVII.

An Act *for the further Regulation of the Trial of Persons accused of certain Offences committed in the East-Indies; for repealing so much of an Act made in the twenty-fourth year of the reign of his present Majesty, intituled, " An Act for the better Regulation and " Management of the Affairs of the East-India Company, and of " the British Possessions in India, and for establishing a Court of " Judicature for the more speedy and effectual Trial of Persons " accused of Offences committed in the East-Indies," as requires the Servants of the East-India Company to deliver Inventories of their Estates and Effects; for rendering the Laws more effectual against Persons unlawfully resorting to the East-Indies; and for the more easy proof, in certain cases, of Deeds and Writings executed in Great Britain or India.*

Preamble.

Recital of 24 G. 3, c. 25.

Whereas by an Act made in the twenty-fourth year of his Majesty's reign, intituled, " An " Act for the better Regulation and Management of the Affairs of the East-India Company, " and of the British Possessions in India; and for establishing a Court of Judicature for the " more speedy and effectual Trial of Persons accused of Offences committed in the East-Indies," divers provisions were made and enacted for the more effectually prosecuting and bringing to speedy and condign punishment the crime of extortion, and other misdemeanors, committed in the East-Indies by British subjects, in the service of his Majesty, or of the said Company;

and particularly for constituting a special Court of Judicature for the trial of any information to be exhibited in his Majesty's Court of King's Bench, against such offenders, under and by virtue of a Commission, to be awarded under the Great Seal of Great Britain, directed to four Members of the House of Peers, six Members of the House of Commons, and three of the Judges of his Majesty's Courts of Law at Westminster, such Members and Judges to be selected and chosen in the manner prescribed by the said Act; and the said Special Commissioners, to be so constituted by such Commission, or any seven or more of them (of whom one of the said three Judges was to be one), were, by the said Act, invested with full power and authority to hear and determine every such information, and to pronounce judgment thereon, according to the effect of the judgment at common law, upon convictions had and obtained according to the course of the common law, for extortion or other misdemeanor: and whereas the selection of the Members of the said respective Houses of Parliament, for the purposes aforesaid, may be rendered more easy and convenient; and whereas it is judged expedient, that, instead of seven, not less than ten Commissioners, to be constituted by such Commission as aforesaid, should have authority to hear and determine any such information, and, for that purpose, that a greater number of Members of each House of Parliament than is directed by the said Act, should, together with the said three Judges, be named and authorized as Commissioners, in and by such Commission: and whereas it is also expedient, that for giving greater vigour and efficacy to the proceedings and judgments of the said Special Commissioners, further regulations should be provided and established: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the Members of the House of Lords, by the said Act directed to be named by the said House for the purposes aforesaid, shall be chosen, nominated, and appointed in the manner following, and no otherwise, any thing in the said recited Act contained to the contrary notwithstanding; (that is to say), that within the first thirty sitting days of the House of Lords in every future Session of Parliament, the Members of the said House, or any of them, may respectively deliver in, at the table, lists inclosed in covers, sealed up, and having the words "East-India Judicature," and their respective names or titles of honour by which they are generally known and distinguished, indorsed on the outside thereof, in their respective proper handwriting; every such list containing the names or titles of twenty-six Peers; and that, on the first sitting day after the expiration of the said thirty days, the Clerk of the Parliaments, or his deputy or assistant, or such other person as the said House shall direct, shall prepare and lay upon the table of the said House, a list of the names or titles of the Lords who shall, within the said thirty days, have delivered such lists; and that, on the next sitting day of the said House, the said covers shall be opened by the Clerk of the Parliaments, or his deputy or assistant, or such other person as the said House shall direct, by the order of the Speaker of the said House, during the sitting of the said House; and all the lists which shall be so delivered shall be taken out of the said covers and put into a box; and the said lists shall be referred by the said House to a Committee, who shall examine the same, and within such time as the said House shall direct, report to the House the name or title of every Lord whose name or title shall appear in ten or more of such lists; and if the names or titles of the respective Members so returned shall not amount to twenty-six Members at the least, exclusively of such of the Members so returned as shall be struck out of the said lists according to the directions of this Act, the Members of the said House, or any of them, may, on any of the next seven sitting days of the said House, deliver in fresh lists in covers sealed up, and indorsed in the manner hereinbefore directed, each of such lists containing a

Within the first thirty sitting days of every Session, lists of twenty-six names to be delivered in, sealed up, by the Members of the Upper House, from which shall be selected twenty-six Peers;

number of names or titles of Members of the said House, equal to that number by which the list returned by the Committee shall, exclusively of the Members struck out as aforesaid, fall short of twenty-six; and the said covers shall be opened, and the lists disposed of, referred, and proceeded upon after the end of the said seven days, in the manner hereinbefore directed in respect to the said former lists.

and in the same period, like lists of forty Commooers to be delivered in, from which shall be selected forty Members.

II. And be it further enacted by the authority aforesaid, that the Members of the House of Commons, to be named by that House for the purposes aforesaid, shall be chosen, nominated, and appointed in the manner following, and not otherwise; any thing in the said recited Act contained to the contrary notwithstanding; (that is to say), that within the first thirty sitting days of the said House in every future Session of Parliament, the Members of the said House, or any of them, may respectively deliver in, at the table, lists, inclosed in covers, sealed up, and having the words "East-India Judicature," and their respective names, indorsed on the outside thereof, in their respective proper handwriting, each of which lists shall contain the names of forty Members of the said House; and that, on the first sitting day after the expiration of the said thirty days, the clerk of the said House, or his deputy or assistant, or such other person as the House shall direct, shall prepare, and lay upon the table, the names of all the Members who shall have delivered such lists; and that on the next sitting day of the said House, the clerk of the said House, or any or either of such other persons as aforesaid, shall, at the table, during the sitting of the said House, by the order of the Speaker, take the lists out of the said covers, and put the said lists together into a box; and the said lists shall be immediately referred, by the said House, to a Committee, who shall examine the same, and within such time as the House shall direct, report to the House the name of every Member whose name shall appear in twenty or more of the said lists; and if the names so returned shall not amount to forty at the least, exclusively of such of the said Members therein named as shall be struck out of the said lists according to the directions of this Act, the Members of the said House, or any of them, may, on any of the next seven sitting days of the said House, deliver in at the table of the said House fresh lists, in covers, sealed up and indorsed in the manner hereinbefore directed, each list containing a number of names of Members of the said House equal to that number by which the list returned by the said Committee shall, exclusively of such of the said names as shall be so struck out, fall short of forty; and the said lists shall be opened, disposed of, referred, and proceeded upon, after the end of the said seven days, in the manner hereinbefore directed in respect to the said former lists: And the like order and course respectively as aforesaid shall be taken in each House of Parliament, until the said numbers of twenty-six Members of the House of Lords, and forty Members of the House of Commons, shall have been returned to the said respective Houses, by the Committees to whom the said lists shall be referred, exclusively of such of the Members so returned as shall be struck out of the said lists according to the directions of this Act.

Persons holding offices under the Crown during pleasure, &c., to be struck out of the lists.

III. Provided always, and be it enacted, that if any of the persons named in any of the lists returned by the said respective Committees, shall appear to hold any civil office of profit under the Crown, during his Majesty's pleasure, or to be, or to have been, a Commissioner for the affairs of India, or to be, or to have been, a Director of the said Company, or to hold, or to have held, any office or employment in the service of the said Company in India, the names of all and every such persons shall be struck out of the said lists, by the order of the said respective Houses of Parliament.

Mode of delivering in of lists left to the

IV. Provided also, and be it further enacted, that if the delivery of the said lists at the tables of the respective Houses of Parliament, in the manner directed by this Act, shall occa-

sion any interruption of other business, or be found inconvenient in any other respect, it shall be lawful for both or either of the said Houses, by their order or orders, to substitute such other mode for the delivery of such lists as the said Houses shall respectively think fit, and that the said lists shall, after the making of any such order or orders, be delivered according to the tenor and directions thereof respectively; any thing hereinbefore contained to the contrary notwithstanding.

Houses of Parliament, if that proposed be found inconvenient.

V. And be it further enacted, that the names of the twenty-six Peers, and forty Members of the House of Commons, which shall have been so chosen by the said respective Houses of Parliament, or the names of the twenty-six Peers, and forty Members of the House of Commons, which (in case the said lists of both or either of the said Houses shall happen to contain a greater number of Members than as aforesaid, respectively) shall have been drawn by lot, according to the directions of the said former Act, or of such of them as shall personally appear at the time and place appointed, in the manner by the said Act directed, shall be put into a box, to be drawn by lot, in the presence of the Judges, to be appointed according to the directions of the said recited Act, and of the parties to the information to be tried, or their counsel or agents: And the person or persons against whom the said information shall have been exhibited, shall have the liberty, as the said names are drawn out, to make peremptory challenges, to the number of thirteen of the Peers, and twenty of the Members of the House of Commons, whose names shall have been put into the said box; and his Majesty's Attorney-General, or other prosecutor, as the case may happen, and also the party or parties against whom such information shall have been exhibited as aforesaid, shall respectively have power to make challenges to any of the names which shall be so drawn out, and to assign for cause of challenge any such matter as, in the opinion of the three Judges, or the majority of them, shall appear, in their discretion, sufficient to set aside the person or persons so challenged, for the purpose of obtaining equal justice; and the first five names of the said Peers, and likewise the first seven names of the said Members of the House of Commons, which being drawn out shall not be so challenged, or against whom no challenge shall have been allowed, shall be returned by the said Judges to the Lord High Chancellor, or Lord Keeper, or Lords Commissioners for the custody of the Great Seal of Great Britain, who shall cause the said five Peers, and the said seven Members of the House of Commons, by their respective proper names or titles of honour, together with the names of the said three Judges, to be inserted in the Special Commission to be issued by virtue of the said recited Act, and of this present Act; and the persons who shall be so named and authorized in and by the said Commission, shall appear within ten days, at the time and place to be appointed by the said three Judges, and shall then and there take the following oath, before the Lord High Chancellor, or Lord Keeper, or Lords Commissioners of the Great Seal of Great Britain, for the time being, or any one of them:

The party accused may challenge thirteen Peers and twenty Commoners, contained in the lists, as the names are drawn by lot in the presence of the Judges, according to the recited Act.

Prosecutor may challenge the same number.

The first five Peers, and the first seven Commoners, whose names shall be drawn out, and not challenged, to be, with the three Judges, appointed Special Commissioners.

"I, *A. B.*, do swear, that, as a Commissioner appointed by his Majesty's Commission "for the trial of the information now at issue against *C. D.*, I will diligently attend "such trial, and that I will hear and determine the same to the best of my judgment, "according to the evidence which shall be given.

"So help me GOD."

Commissioner's Oath.

VI. And be it further enacted, that if, by reason of the challenges as aforesaid, the number of names so drawn out as aforesaid shall be reduced to less than five Peers and seven Members of the House of Commons respectively, then, and in such case, the said three Judges shall forthwith certify the same to the Speakers of the respective Houses of Parliament, who shall lay the same before the said Houses respectively; and the said Houses shall respectively proceed,

If challenger reduce the number to less than five Peers and seven Commoners, new lists to be made out.

within any of the next seven days on which the said Houses shall respectively sit for the dispatch of business, to choose, nominate, and appoint twenty-six Members of the House of Lords, and forty Members of the House of Commons, after the manner and course aforesaid, the lists of which said respective Members so chosen and appointed, shall be transmitted to the Clerk of the Crown in his Majesty's High Court of Chancery, or his deputy, and be inserted in a new Commission, to be issued in the manner hereinbefore and in the said former Act directed: Provided always, that no day on which the House of Commons shall have adjourned, for want of the presence of a sufficient number of Members to execute the provisions of the several Acts passed in the tenth and eleventh years of the reign of his present Majesty, to regulate the trials of controverted elections or returns of Members to serve in Parliament, shall be accounted one of the sitting days of the said House, for any of the purposes of this Act.

Power of the Commissioners.

VII. And be it further enacted, that the said Special Commissioners to be appointed as aforesaid shall have full power and authority to hear and determine every such information, and to pronounce judgment thereon according to the effect of the judgment of the common law upon convictions had and obtained according to the course of the common law for extortion, or other misdemeanor, and also to declare the party so convicted incapable of serving the King's Majesty, his heirs or successors, or the said United Company, in any capacity whatever; and such judgment so pronounced by the said Special Commissioners as aforesaid, upon such information, shall be good and effectual, and shall be conclusive, to all intents and purposes; and no *certiorari* shall be granted for removing the proceedings of the said Special Commissioners, on such information into any Court whatever: and the proceedings of the said Special Commissioners shall not be impeached, or the validity thereof questioned, in any action or suit, or other proceeding, in any Court of law or equity.

Ten Commissioners competent to act.

VIII. Provided always, and be it enacted, that all and every the powers and authorities given and granted by the said recited Act, and by this present Act, unto the said Special Commissioners, shall and may be executed by or before any ten or more of them (of whom one of the said three Judges shall always be one), and that no act done or executed by or before the said Commissioners, unless ten or more of the said Commissioners (of whom one of the said three Judges shall be one), shall be present at the doing or executing thereof (save and except in the particular cases hereinafter specially provided), shall be valid or effectual; any thing in the said former Act contained to the contrary notwithstanding.

Majority to determine, and the President to have a casting vote.

IX. Provided also, and be it further enacted, that whenever the said Special Commissioners shall not concur in opinion, upon any question or matter to be decided by or before them, every such question or matter shall be determined by the greater number of the said Commissioners who shall be then present, so that the number of Commissioners then present be not less than ten as aforesaid; and if the said Commissioners shall at any time be equally divided in opinion, on any question or matter depending before them, the Judge then sitting as president shall have two voices, or the casting vote.

If by death, or otherwise, the number should be reduced under ten, a new Commission to be made out.

X. And be it further enacted, that if any of the said Special Commissioners shall depart this life, or be excused from attending in the manner by this Act directed, before the said Commission shall have been fully executed, so that there shall not be a sufficient number of Commissioners to proceed in the due execution of such Commission, according to the true intent and meaning of this Act; or if all the said three Judges shall happen to die, or be excused from attending in the manner by this Act directed, whilst the said Commission shall be depending; then, and in either of such cases, and from thenceforth, the said Commission, and the force and effect thereof, shall cease, and a new Commission shall be awarded for

hearing the matter of such information, for which such former Commission was issued, and the trial of such information shall begin *de novo;* save only and except with respect to the examinations or depositions of any witnesses (if any) which shall have been taken in writing under the said former Commission, which examinations or depositions shall and may be received and admitted as evidence under such new Commission.

Commissioners to attend during the whole trial, unless absent by leave.

XI. And be it further enacted, that the said Special Commissioners shall severally attend in Court during the whole trial for which they shall be appointed as aforesaid, and none of the said Commissioners shall in anywise absent himself from the same (except as hereafter is provided); and the said Court shall at no time proceed in the said trial until all the said Special Commissioners, not having obtained such leave of absence, or not having been excused as hereinafter is provided, shall be met and assembled; and if the said Special Commissioners (except as aforesaid) shall not all meet and assemble within the space of one hour after the time to which they shall have adjourned, such of them as shall be then present, or the major part of them, shall make an order for a further adjournment of the trial, in which order the cause of such further adjournment shall be expressed, and a copy of such order, signed by the register to the said Commissioners, shall be served upon, or left at the usual or last place or places of abode of, the said absent Commissioner or Commissioners respectively; and at such further adjourned meeting the cause of his or their absence shall be inquired into by the Special Commissioners who shall be then present, before the said Commissioners shall proceed to any other business; and if it shall not be made appear, to the satisfaction of the said Commissioners, by facts specially stated, and verified before them upon oath (or, in the case of such facts being verified by a Peer of the realm, then upon his honour), that such absent Commissioner or Commissioners was or were, by sudden accident, or by necessity, prevented from attending at the said former sitting, it shall and may be lawful for the Special Commissioners then present, or the major part of them, to pass such censure upon such Commissioner or Commissioners who shall have been so absent, as they shall think fit, and also to impose upon such Commissioner or Commissioners respectively, for such neglect of duty, or upon any Commissioner or Commissioners who shall depart from the said Court during the sitting, and before an adjournment thereof, such fine or fines as the said Commissioners, or the greater number of them then present, shall think fit, so that no such fine shall exceed the sum of five hundred pounds; which fine or fines shall be forthwith estreated by one or more of the said three Judges, into the Court of Exchequer, and the like process shall be awarded by the said Court of Exchequer, for levying the said fine or fines for his Majesty's use, as is usually awarded for the levying of other fines estreated into the said Court of Exchequer; and the said Special Commissioners shall also have full power and authority to order or declare, that any Commissioner or Commissioners who shall be so censured, or on whom any such fine or fines shall be imposed, shall be disabled from acting in the further execution of such Commission.

If all do not meet, the majority present may adjourn.

Cause of absence to be inquired into.

Absentees may be censured or fined, and disabled from acting.

How fines are to be levied.

Leave of absence may be granted to Commissioners, but being absent during part of trial, are not again to sit.

XII. Provided always, and be it further enacted, that it shall and may be lawful for the said Commissioners, or the greater number of them, to grant leave of absence to any of the said Commissioners, upon proof, to their satisfaction, of sickness or other urgent occasion; and such of the said Commissioners who shall obtain leave of absence as aforesaid, and shall accordingly be absent during any part of such trial, shall be no longer capable of acting under such Commission; any thing contained in the said former Act, or in this Act, to the contrary notwithstanding.

During a trial, the Commissioners not to

XIII. Provided also, and be it further enacted, that, after the trial of any information shall have commenced and been begun by and before the said Special Commissioners, the

adjourn for more than twenty-four hours, except on occasions herein specified.

said Commissioners shall sit every day, Sunday, Christmas-day, and Good Friday, only excepted; and the said Commissioners shall never adjourn for a longer time than twenty-four hours, unless a Sunday, Christmas-day, or Good Friday, shall happen to intervene, in which case their adjournment shall not exceed twenty-four hours, exclusive of such Sunday, Christmas-day, or Good Friday: provided also, that if the number of the said Special Commissioners capable of acting in the execution of such Commission, according to the directions of this Act, shall by death or otherwise be reduced to ten, and any of such ten Commissioners shall be prevented by sudden accident, or by necessity, from attending such trial, the said other Commissioners, or the greater number of them, shall and may, at their discretion, adjourn and suspend the proceedings upon such trial, from time to time, as circumstances may require, so that any such adjournment shall not exceed three days, and the number of such successive adjournments shall not, in the whole, exceed ten adjournments; any thing hereinbefore contained to the contrary notwithstanding.

Commissioners may appoint clerks, &c., who may be removed, &c.

XIV. And be it further enacted, that it shall and may be lawful to and for the said Special Commissioners to constitute and appoint such clerks, tipstaffs, messengers, and other officers, to attend upon them in the execution of their said Commission, and to do and perform all such matters and things as shall be ordered or given to them in charge by the said Commissioners, as the said Commissioners shall think fit; and such several clerks and other officers shall be diligently attendant upon, and subject and obedient to, the said Commissioners, and may be suspended, removed, or discharged, or be punished by fine or fines, to be imposed by the said Commissioners, for any neglect of duty or disobedience, at the discretion of the said Commissioners; which fines shall be estreated into his Majesty's Court of Exchequer, by one or more of the said three Judges, and shall and may be levied and recovered for his Majesty's use, by the process of the said Court; and all and every of such clerks and other officers shall be paid by the parties informant or informants, and defendant or defendants named in such information, the same or the like fees and allowances as the respective officers attendant upon his Majesty's Court of King's Bench, upon trials of informations for misdemeanors prosecuted in the said Court, are entitled to receive from the parties thereto respectively, according to the stations and duties of such officers respectively.

How clerks, &c., are to be paid.

Court of King's Bench may issue out warrants for apprehending persons accused of extortion, &c., in the East-Indies.

XV. And be it further enacted, that whenever an information shall be exhibited in the said Court of King's Bench, against any person or persons, for the crime of extortion, or other misdemeanor, committed in the East-Indies, in every such case, upon a certificate from the coroner and attorney of our Lord the King (commonly called the Clerk of the Crown in the Court of King's Bench, or the Master of the Crown Office in the said Court), or any or either of his sworn clerks in the said office, that such information hath been filed (which information, in case the same shall be filed when the Court of King's Bench shall not be sitting, shall be considered as filed on the last day of the preceding term), it shall and may be lawful to and for the Lord Chief Justice, or any of the other Judges of the said Court, at the instance of such prosecutor or prosecutors, to issue his warrant, under his hand and seal, directed to all sheriffs, mayors, bailiffs, constables, and other peace officers, and to such other person or persons as shall be named for that purpose by such prosecutor or prosecutors, for apprehending and attaching the party or parties, defendant or defendants to such information; and if such party or parties shall escape or go into, reside, or be in any place within that part of Great Britain called Scotland, it shall and may be lawful for the sheriff or steward depute or substitute, or any justice of the peace of the county or place into which such party or parties shall escape or go, or in which he or they shall reside or be, to indorse his name on the said warrant, which warrant so indorsed shall be a sufficient authority to all persons to whom

such warrant was originally directed, and also to all sheriff's officers, stewards, officers, constables, and other peace officers of the said county or place, by the sheriff, steward depute, or substitute, or justice of the peace, whereof such warrant shall be so indorsed, to execute the said warrant in the same county or place, by apprehending the party or parties against whom such warrant shall have been granted, and to convey and bring such party or parties in safe custody before the said Court of King's Bench, or before the Lord Chief Justice or any of the Judges of the said Court, to be further dealt with according to the directions of the said former Act, and this present Act.

Parties informed against to be committed, or to find bail.

XVI. And be it further enacted, that it shall and may be lawful to and for the party or parties against whom any such information shall be exhibited as aforesaid (not being attached) to surrender himself or themselves in the said Court of King's Bench at any time during the sitting of the said Court, to be dealt with according to the directions of the said former Act and this present Act, or if the said Court shall not be sitting, unto the said Lord Chief Justice, or any other of the Judges of the said Court; and that when and so often as any such party or parties shall surrender himself or themselves out of Court as aforesaid, or shall during any vacation, or when the said Court shall not be sitting, be attached and brought before the said Lord Chief Justice, or other Judge, under any warrant or attachment issued by virtue of the said former Act or this present Act, the said Lord Chief Justice, or other Judge, shall and may order such party or parties to stand committed to the prison of the Marshalsea, or to the Tower of London, or to the gaol of Newgate, at the discretion of the said Lord Chief Justice, or other Judge, there to be detained until he or they shall be delivered by due course of law, or until he or they, together with two sufficient sureties, shall have entered into a recognizance unto the King's Majesty, his heirs and successors, in such sum of money, and with such condition for his appearance, and for submitting to the judgment to be pronounced in and upon such information, as the said Lord Chief Justice or other Judge shall in his discretion order and direct. Provided always, that it shall and may be lawful for the said Commissioners to order any person in custody, under the provisions of this Act, to be from time to time brought up and remanded in such manner as to the said Commissioners shall seem meet.

Mode of proceeding when parties abscond.

XVII. And be it further enacted, that when and so often as any party or parties, against whom any such information as aforesaid shall be exhibited, shall not be attached, or shall not have surrendered as aforesaid, and proof shall be made, by any affidavit or affidavits, to the satisfaction of the said Court of King's Bench, that such party or parties is or are beyond the seas, or that upon inquiry at his or their usual place or places of abode, or last known place or places of residence in Great Britain, he or they could not be found, and that there is just ground to believe that such party or parties is or are gone, or doth or do continue out of the realm, or doth or do otherwise abscond, to avoid being attached to answer the matters charged in and by such information; then, and in such case, the said Court shall and may make a rule or order, directing and appointing such party or parties to surrender himself or themselves in the said Court, or to the Lord Chief Justice, or one of the other Judges of the said Court, at a certain day in and by such rule or order to be limited and expressed, at the discretion of the said Court; and a copy of such rule or order shall, within twenty days after the making thereof, be inserted three several times in the *London Gazette;* and another copy of such rule or order shall, within the time aforesaid, be affixed in some conspicuous and public place in the India-House: and if the said party or parties shall not surrender himself or themselves respectively, according to the tenor of such rule or order, within the time therein to be limited for that purpose, or within such further time as the said Court shall appoint or

direct (which the said Court is hereby empowered to do, on application being made on the behalf of such party or parties, if the said Court shall see cause), then, on proof being made of the publication of such rule or order in manner aforesaid, it shall and may be lawful for his Majesty's Attorney-General, or other prosecutor, by rule and leave of the said Court, (which rule and leave the said Court is hereby empowered to grant) to cause an appearance and the plea of not guilty, to be entered for such party or parties charged by the said information; and the said information shall thereupon proceed as if the party or parties had appeared and pleaded not guilty thereto.

Notice of trial to be given.

XVIII. Provided always, and be it further enacted, that in all cases where the plea of not guilty shall be entered for the party or parties, defendant or defendants to any information, by the prosecutor or prosecutors thereof, by virtue and according to the directions of this Act, it shall be sufficient, in order to the hearing and determining of such information, for such prosecutor or prosecutors to give fourteen days' notice of the day appointed for the trial thereof, by advertisement in the *London Gazette;* any law, usage, or practice to the contrary notwithstanding.

Judgment to be pronounced by the Commissioners, though the parties do not appear.

XIX. And be it further enacted, that if any party or parties charged by any such information as aforesaid, shall make default in his or their personal appearance, at the pronouncing of judgment, in the matter of such information, by and before the said Special Commissioners; it nevertheless shall and may be lawful for the said Commissioners to pronounce judgment upon such information, in the same manner as if the said party or parties was or were personally present; and every such judgment shall be as valid, effectual, and conclusive, to all intents and purposes whatever, as if the said party or parties had been personally present at the pronouncing thereof; any law or usage to the contrary notwithstanding.

Parties during trial may be committed.

XX. And be it further enacted, that whenever the party or parties charged by any such information shall personally appear before the said Special Commissioners, on the hearing or trial thereof, it shall and may be lawful to and for the said Special Commissioners, at any time during the course of such trial, to order such party or parties to stand committed to the prison of the Marshalsea, or to the Tower of London, or to the gaol of Newgate, at the discretion of the said Special Commissioners, there to be detained until judgment shall be pronounced in the matter of the said information, unless he or they shall be previously delivered or discharged by the rule or order of the said Commissioners.

Disturbers of the Court may also be committed.

XXI. And be it further enacted, that if any person or persons shall be guilty of any contempt or disturbance in the Court of the said Commissioners, during the sitting of the Court, it shall and may be lawful to and for the said Commissioners to order such person or persons to be taken into Custody, by any officer or officers to be appointed by the said Commissioners to attend the said Court, and to stand committed to the prison of the Marshalsea, or the gaol of Newgate, at their discretion, to be there kept for such time as the said Commissioners shall order and direct.

Judgments of the Commissioners to be executed by the Court of King's Bench, and to be final.

XXII. And be it further enacted, that the judgments which shall be made and pronounced by the said Special Commissioners, according to the directions, and under the authority of the said recited Act, and this present Act, shall, when and so soon as the said judgments and other proceedings shall have been delivered over by the Register to the said Commissioners, to the Clerk of the Crown in the said Court of King's Bench (otherwise called the Coroner and Attorney of our Lord the King, or the Master of the Crown Office in the said Court), in the manner directed by the said former Act, be executed and enforced by the authority of the said Court of King's Bench, and such proceedings to outlawry, and other

proceedings against the several and respective defendants thereto, shall and may be had thereon, in the like manner as, according to the course and practice of the said Court, may be had upon judgment made and pronounced by the said Court, and the judgments of the said Special Commissioners shall be final and conclusive, to all intents and purposes whatever, and shall not be arrested, defeated, reversed, or avoided, or liable to be arrested, defeated, reversed, or avoided, for or by reason or means of any error, defect, or want of form in any such judgment, or in the information whereon the same shall be given or pronounced, or in the award of any process thereon, or in the record of the issue for the trial thereof; any law, statute, or usage to the contrary notwithstanding.

XXIII. Provided always, and be it further enacted and declared, that nothing in the said recited Act, or in this present Act contained, shall extend, or be construed to extend, to deprive the prosecutor or prosecutors of any such information as aforesaid, or the party or parties, defendant or defendants thereto, of any right, liberty, benefit, or advantage, to which by the law of the land, or the rules of practice of the Court of King's Bench, such prosecutor or prosecutors, defendant or defendants, is or are, or would, could, or might have been entitled, upon any other information of a like nature, depending in the said Court of King's Bench, before issue in fact joined therein; nor to prevent or restrict the said Court of King's Bench from exercising any such power or authority as would, could, or might have been legally exercised by the said Court of King's Bench, in the matter of any such information, before issue in fact joined therein, if the said former Act, or this present Act, had not been made; any thing in the said former Act, or this present Act, contained to the contrary notwithstanding.

This, or the recited Act, not to deprive persons of any right they are entitled to by law, &c.

XXIV. Provided also, and be it further enacted, that if the party or parties charged by any such information as aforesaid, shall enter a demurrer to such information, and such demurrer shall be over-ruled by the said Court of King's Bench, such party or parties shall, within eight days next after the said Court shall have given judgment on such demurrer, unless a writ of error shall be brought thereon, and then within eight days next after such judgment shall be affirmed, or such writ of error shall be nonprossed, enter the plea of not guilty to such information, or, in default thereof, the said plea of not guilty shall and may be entered, for and in the name or names of such party or parties, by his Majesty's Attorney-General, or other prosecutor; and the said information shall proceed in the like manner as if no demurrer had been entered thereto; any law, or the usage or practice of the said Court, to the contrary notwithstanding.

Mode of proceeding where demurrers are entered.

XXV. Provided also, and be it further enacted and declared, that if his Majesty's Attorney-General, or other prosecutor or prosecutors of any such information, shall be desirous of having the same proceeded in, tried, and determined in the said Court of King's Bench, and shall move the said Court for that purpose, then, and in every such case, the said Court shall grant a rule or order for retaining such information in the said Court, and the said information shall be accordingly retained by the said Court of King's Bench, and shall be heard, tried, adjudged, and determined by the said Court of King's Bench, in such and the same manner, to all intents and purposes, as an information of the like nature would, could, or might have been proceeded in, heard, tried, and determined, in and by the said Court, in case the said former Act, or this present Act, had not been made; any thing in the said former Act, or this present Act, contained to the contrary notwithstanding.

Informations may be determined in the Court of King's Bench.

XXVI. And be it further enacted, that whenever the party or parties, against whom any such information shall have been exhibited as aforesaid, shall be adjudged to pay a fine

How fines, &c., are to be recovered.

or fines to his Majesty, his heirs or successors; and also whenever any recognizance or recognizances entered into under the said former Act, or this present Act, shall become forfeited, the said Court of King's Bench, or, in case the said Court shall not be then sitting, the Lord Chief Justice of the same Court, shall and may forthwith, at the instance of his Majesty's Attorney-General, or other prosecutor, deliver to the Lord Chief Baron, or any other of the Barons of the Court of Exchequer, an estreat of the fine or fines, recognizance or recognizances, so adjudged or become forfeited respectively as aforesaid; and the said Lord Chief Baron, or other of the said Barons, shall thereupon, at the requisition of the said Attorney-General, or other prosecutor, authorize and direct the proper officer of the same Court to award, and such officer shall accordingly forthwith award, under the seal of the same Court, one or more special writ or writs of *extendi facias* and *capias*, or other special process, against the said party or parties adjudged to pay such fine or fines, or the principal or principals and sureties in such recognizance or recognizances respectively, and their lands, tenements, and hereditaments, goods, chattels, and effects, directed into such county or counties, cities, places, or liberties, to the proper sheriffs or other officers of the same respectively, for the due execution thereof, as the said Attorney-General, or other prosecutor, shall desire or require in that behalf; and if such party or parties, or such principal or principals, and sureties, or any of them, shall have, or be seised or possessed of, or entitled to any lands, tenements, or hereditaments, goods, chattels, estate, or effects, situate, lying, or being within that part of Great Britain called Scotland, or shall be resident in that part of the said United Kingdom, then and in either of such cases his Majesty's Court of Exchequer in Scotland, or, when the said Court shall not be sitting, the Lord Chief Baron, or any other of the Barons of the said Court of Exchequer in Scotland, upon a copy or transcript of the estreat of such fine or fines, recognizance or recognizances, being sent or transmitted into the same Court, or delivered to the said Lord Chief Baron, or any other of the Barons of the same Court, from and under the seal of the Court of Exchequer in England, or under the hand and seal of the Lord Chief Baron, or any other of the Barons thereof (and which copy or transcript the said Court of Exchequer in England, or, when the said Court shall not be sitting, the Lord Chief Baron, or any other of the Barons of the same Court, is and are hereby required, at the instance of his Majesty's Attorney-General or other prosecutor, to send and transmit accordingly), shall and may forthwith, at the instance of the said Attorney-General or other prosecutor, carry on such proceedings, and award such and the like process and processes as is and are competent by the law of that part of Great Britain called Scotland for recovery of debts due to the Crown.

Mode of recovering fines from property in the East-Indies, when the effects in Britain are insufficient.

XXVII. And be it further enacted, that if it shall at any time be made to appear to the satisfaction of the said Court of Exchequer in England, at the instance of his Majesty's Attorney-General or other prosecutor, by motion in the said Court on his or their behalf, that such party or parties, principal or principals, or sureties as aforesaid, or any of them, have no lands, tenements, or other estate or effects in Great Britain, or that the same (if any) are not sufficient to answer the sum or sums forfeited by such recognizance or recognizances, or due for such fine or fines respectively, and that such party or parties, principal or principals, or sureties, or any of them, shall have or be seised or possessed of, or entitled to, any lands, tenements, or hereditaments, goods, chattels, debts, estate, or effects within any of the British possessions in the East-Indies respectively (the said sum or sums, fine or fines, not being paid and satisfied), then and in every such case the said Court of Exchequer shall and may, by rule or order of the said Court, cause one or more transcript or transcripts of the estreats of the said recognizance or recognizances, fine or fines, to be sealed with the seal

of the said Court, or to be otherwise attested, as the said Court shall direct, and the same, so sealed or attested, shall be closed up under the seals of any two of the Barons of the said Court, directed to the Supreme Court of Judicature in Bengal, and to the Mayor's Courts at Madras and Bombay, or to any or either of the said Courts, as the case shall or may require; and the same shall be delivered by the said Barons, or one of them, to such agent or agents as the prosecutor or prosecutors shall nominate or appoint for that purpose, which agent or agents (or, in the case of his or their death, the person into whose hands the same shall come) shall deliver such transcript or transcripts to one of the Judges of the said Supreme Courts or Mayor's Courts respectively, as the case may be or require, and make oath that he or they did receive the same from the hands of one of the said Barons (or in what other manner the same came into his or their hands), and that the same hath not or have not been opened or altered since he or they so respectively received the same (which oath any of the said Judges of any of the said Courts in India are hereby authorized and required to administer); and thereupon such transcript or transcripts shall be filed and recorded in such of the said Courts in India, to which the same shall be so directed, as the case may require; and, upon motion to be made in such Courts or Court for that purpose for and on the behalf of such prosecutor or prosecutors, the like process and proceedings shall and may from time to time be awarded and had by and in the said Supreme Court of Judicature, and the said Mayor's Courts at Madras and Bombay respectively, or any or either of them, against the lands, tenements, or hereditaments, goods, chattels, debts, estate, and effects of the said party or parties, principal or principals, and sureties, within the limits of the jurisdictions of such respective Courts in the East-Indies as might or could have been awarded or had in the said Court of Exchequer in England against the lands, tenements, hereditaments, goods, chattels, debts, estates, and effects of the same party or parties, principal or principals, or sureties in England, and the same shall be valid and effectual, any law, usage, or custom to the contrary notwithstanding.

Recital of 24 G. 3, c. 25, s. 88.

XXVIII. And whereas it is by the said recited Act enacted, that in all cases of informations laid or exhibited by virtue of the said Act (1) in the Court of King's Bench for misdemeanors or offences committed in India, it shall be lawful for the said Court to award a writ or writs of *mandamus* to the Chief Justice and Judges of the Supreme Court of Fort William, or the Judges of the Mayor's Court of any of the British settlements in India, as the case may require, who are thereby respectively authorized and required accordingly to hold a court for the examination of witnesses, and receiving other proofs concerning the matters charged in such informations respectively, and that such examinations shall be then and there openly taken, and reduced into writing, in manner therein mentioned, and sent to his Majesty, in his Court of King's Bench, closed up, and under the seals of two or more of the Judges of the said Supreme Court, and that one or more of the Judges of the said Supreme Court shall deliver the same to the agent or agents of the party or parties requiring the same, which said agent or agents (or, in case of his or their death, the person into whose hands the same shall come) shall deliver the same to one of the clerks in court of his Majesty's Court of King's Bench, in the public office, and make oath that he received the same from the hands of one or more of the Judges of such Court in India (or in what manner the same came into his hands), and that the same hath not been opened or altered since he so received the same: and whereas a doubt may arise whether such examinations as may be taken by the Judges of the Mayor's Court in any of the British settlements in India, by force and virtue of the said Act, may be lawfully sent closed up, under the seals of the same Judges, and whether any one or more of the same Judges is or are empowered to deliver the same to the

Examinations in India to be sealed up and given to the agents of the parties, to be delivered to the clerks of the King's Bench.

agent or agents of the party requiring the same: be it therefore enacted, that every examination which shall or may be had or taken by the Judges of the Mayor's Court of any of the British settlements in India by force and virtue of the said Act (being reduced into writing, as in the said Act is directed or mentioned) shall be sent to his Majesty, in his Court of King's Bench, closed up, and under the seals of two or more of the Judges of the Mayor's Court of any of the British settlements in India, and one or more of the Judges of the same Court shall deliver the same to the agent or agents of the party or parties requiring the same, which said agent or agents (or, in case of his or their death, the person into whose hands the same shall come) shall deliver the same to one of the clerks of his Majesty's Court of King's Bench, in the public office, and make such or the like oath as is in and by the said Act directed and prescribed, any thing in the said Act contained to the contrary notwithstanding.

(1) [The Act here referred to (24 Geo. 3, cap. 25) contains various provisions respecting the Parliamentary Court of Judicature, which see.]

Persons resident in India amenable to the Courts there.

XXIX. And be it further enacted, that as well the servants of the said United Company as all other of his Majesty's subjects resident or to be resident in India, shall be and are hereby declared to be amenable to the Courts of Oyer and Terminer and Gaol Delivery and Courts of general or quarter Sessions of the Peace in any of the British settlements in India, for all murders, felonies, homicides, manslaughters, burglaries, rapes of women, perjuries, confederacies, riots, routs, retainings, oppressions, trespasses, wrongs, and other misdemeanors, offences, and injuries whatsoever by them done, committed, or perpetrated, or to be by them hereafter done, committed, or perpetrated in any of the countries or parts of Asia, Africa, or America, beyond the Cape of Good Hope to the Straits of Magellan, within the limits of the exclusive trade of the said United Company, whether the same shall have been done, committed, or perpetrated, or shall hereafter be done, committed, or perpetrated against any of his Majesty's subjects, or against any other person or persons whatever.

Governor, &c., of Fort St. George, &c., to have jurisdiction in all matters, civil and criminal.

XXX. And be it further enacted and declared, that the Governor or President and Council of Fort Saint George, for the time being, in their Courts of Oyer and Terminer and Gaol Delivery, and quarter or general Sessions of the Peace, and also the Mayor's Court at Madras, (1) according to their several and respective judicatures, shall have cognizance and jurisdiction, as well civil as criminal, over all British subjects whatsoever, who now reside or shall hereafter reside within any of the forts, factories, towns, lands, or territories, in the possession of the said United Company, on the coast of Coromandel, or in any other part of the Carnatic, or in the five northern Circars, including those parts of the said Circars which lie within the kingdom or province of Orixa, or within any of the dominions or territories of the Soubah of the Deckan, the Nabob of Arcot, or the Rajah of Tanjore.

(1) [The Mayor's Court was abolished and a Recorder's Court established under 37 Geo. 3, cap. 142. The Recorder's Court was replaced by a Supreme Court under 39 & 40 Geo. 3, cap. 79. On the present position of British subjects as to civil jurisdiction, see Note on 13 Geo. 3, cap. 63, sec. 14; and the Acts of the Government of India therein referred to, so far as they apply to all the presidencies.

See also as to Fort St. George, Act No. 3 of 1850, which subjects all persons without exception to the civil jurisdiction of the Courts of the Sudder Aumeens and District Moonsiffs within that presidency.]

Section 31 repeals so much of 24 Geo. 3, cap. 25, as relates to the delivery of inventories of effects. Sections 32 to 36, which contained provisions for the trial of offences connected with trade in the East-Indies, were repealed by 33 Geo. 3, cap. 52, sec. 146.

XXXVII. And be it further enacted, that if any suit or action shall be brought or commenced against the said Company, or any of their servants, or against any persons acting by their authority, for the recovery of any costs or damages for the unlawful taking, arresting, seizing, imprisoning, sending, or bringing to England, of any person or persons found in the East-Indies, or other parts aforesaid, within the limits of the said Company's exclusive trade, or as not being authorized to reside or traffic there (1), the defendant or defendants to such suit or action shall and may plead the general issue, and give the special matter in evidence, for his or their defence; and the proof shall lie on the plaintiff or plaintiffs, upon the trial of the issue, to shew that at the time or times of arresting or seizing such person or persons respectively, for the cause aforesaid, in the manner in which the same shall be laid or charged to have been done, in and by the declaration or declarations in such suits or actions, the person or persons so arrested or seized, was or were in the military or marine service of the King's Majesty, his heirs or successors, or was or were under covenant to serve the said Company in India, or was or were duly possessed of a license or licenses in writing, authorizing him or them to go to or reside and traffic in India, or other the said parts and limits, or that the person or persons (not being in his Majesty's service) was or were, at the time or times of his or their being so seized or arrested, entitled or authorized, by the stipulations of such covenants or licenses respectively, to remain and continue in India, or other the parts and limits aforesaid; and in failure of such proof, the plaintiff or plaintiffs shall become non-suited, and in such case, or in any other case wherein the plaintiff or plaintiffs in any such suit or action shall become non-suited, or wherein judgment shall be given against such plaintiff or plaintiffs upon demurrer, or where a verdict shall pass for the defendant or defendants, the defendant or defendants shall have treble costs awarded, to be paid by the respective plaintiff or plaintiffs in such suit or action; any law, statute, or provision, to the contrary notwithstanding. (2)

General issue.

Treble costs.

(1) [This and all similar provisions can now be applicable only to a residence in those parts of India excepted from the general permission contained in the Act 3 & 4 Wm. 4, cap. 85, sec. 81 to 83.]

(2) [*Vide* 10 Geo. 3, cap. 47, secs. 5 and 7; 53 Geo. 3, cap. 155, secs. 123 and 124; and 55 Geo. 3, cap. 84, sec. 9.]

XXXVIII. And whereas great difficulties, expense, and delay, often arise in giving proof in Great Britain of the execution of bonds, and other deeds and writings, executed and witnessed by persons resident in the East-Indies; and the like difficulties, expense, and delay, also arise in giving proof in the East-Indies, of the execution of bonds, and other deeds and writings, executed and witnessed by persons resident in Great Britain; for remedy thereof,

Bonds executed in the East-Indies shall be evidence in Britain, and contrariwise, on proof of the handwriting of the parties.

be it enacted, that whenever any bond, or other deed or writing, executed in the East-Indies, and attested by any person or persons resident there, shall be offered in evidence in any of the Courts of Justice in Great Britain, it shall be sufficient to prove, by one or more credible witness or witnesses, that the name or names subscribed to such bond, deed, or writing, purporting to be of the hand or handswriting of the obligor or obligors to such bond, or of the party or parties to such deed or writing, is or are of the proper handwriting or handswriting of such obligor or obligors, party or parties, respectively, and that the name or names set and subscribed of the witness or witnesses attesting the execution of the same, respectively, is or are of the proper hand or handswriting of the witness or witnesses so attesting the same, and that such witness or witnesses is or are resident in the East-Indies; and, in like manner, all Courts of Justice in the East-Indies shall admit the like proof of the execution of bonds and other deeds and writings executed in Great Britain, and witnessed by any person or persons resident in Great Britain: and such proofs shall be deemed and taken to be as valid and sufficient evidence of the due execution of such bonds, and other deeds and writings, as if the witness or witnesses thereto was or were dead.

Section 39 declares this to be a public Act, and fixes the date of its commencement in Great Britain and in India.

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26 GEORGII III. Cap. LXII.

An Act *to enable the East-India Company to raise Money by a Sale of Annuities, and by increasing their Capital Stock.*

The greater part of this Act relates to an augmentation of the Capital Stock of the Company, for which see note on 3 & 4 Wm. 4, cap. 85, sec. 11.

28 GEORGII III. Cap. VIII.

An Act *for removing any Doubt respecting the Power of the Commissioners for the Affairs of India to direct that the Expense of raising, transporting, and maintaining such Troops as may be judged necessary for the security of the British Territories and Possessions in the East-Indies, should be defrayed out of the Revenues arising from the said Territories and Possessions; and for limiting the Application of the said Revenues in the Manner therein mentioned.*

Preamble.

24 G. 3, Sess. 2, c. 25, recited.

Whereas, by an Act passed in the twenty-fourth year of the reign of his present Majesty, intituled, " An Act for the better Regulation and Management of the Affairs of the East-India " Company, and of the British Possessions in India; and for establishing a Court of Judi- " cature for the more speedy and effectual Trial of Persons accused of Offences committed in " the East-Indies," his Majesty is empowered to nominate and appoint a Board of Commissioners for the affairs of India: and whereas, by the said Act, the said Board of Commissioners is invested with the superintendence and control over all the British territorial possessions in the East-Indies, and over the affairs of the United Company of Merchants trading thereto, in the manner in the said Act directed; and is likewise authorized and empowered, from time to time to superintend, direct, and control all acts, operations, and concerns, which in anywise relate to the civil or military government or revenues of the said possessions, in the manner in the said Act directed: and whereas the Court of Directors of the said Company is required by the said Act to pay due obedience to, and to be governed and bound by, such orders and directions as the said Court shall from time to time receive from the said Board, touching the civil or military government and revenues of the said possessions: and whereas, nevertheless, doubts have been raised, whether the said Commissioners are, under the said Act, empowered at any time to direct, that the expense of raising, transporting, and maintaining such forces as may be judged necessary for the security of the British territories and possessions in the East-Indies, shall be defrayed out of the revenues arising from the said territories and possessions, unless such troops are sent at the express requisition of the East-India Company; and particularly whether, under the circumstances now existing, the said Commissioners are not restrained, by certain provisions contained in the said Act, from giving such directions with respect to the expense of raising, transporting, and maintaining any forces which may be sent to India for the security of the said possessions, in addition to the forces now there; and whereas it appears that by reason of the said doubts, the said Directors have delayed to take measures for transporting in the said Company's ships the forces which his Majesty has judged necessary to be sent to India for the security of the said possessions: therefore, for obviating every such doubt, may it please your Majesty that it may be enacted and declared; and be it enacted and declared by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said Board of Commissioners for the affairs of India was and is by the said Act fully authorized and empowered to order and direct that all the expenses incurred, or to be hereafter incurred, for raising, transporting, and maintaining such forces as shall be sent to India for the security of the said territories and possessions, shall be paid, defrayed, and borne out

Board of Commissioners, appointed under the recited Act, empowered to direct all expenses for raising, &c., forces sent to India, to be defrayed out

of the revenues of the territories there.

of the revenues arising from the said territories and possessions; and that nothing in the said Act contained, extended or extends, or shall be construed to extend, to restrain, or to have restrained, the said Commissioners from giving such orders or directions as aforesaid, with respect to the expense of raising, transporting, and maintaining any forces which may be sent to India for the security of the said possessions, in addition to the forces now there. (1)

(1) [The 24 Geo. 3, cap. 25, referred to in this section, was repealed by 33 Geo. 3, cap. 52, sec. 146, with the exception of certain parts, for which see the extracts in this volume from the first-named Act; but sec. 149 of 33 Geo. 3, cap. 52, expressly reserves the powers given or declared by this Act, and sec. 128 enacts that the actual expenses of the forces of the Crown in India, and of raising and supplying recruits for the same, shall be borne by the Company. By 4 Geo. 4, cap. 71, sec. 1, the Company are also to pay £60,000 per annum for retiring pay, pensions, and other expenses of that nature, in respect of such forces.]

Section 2 limited the number of the forces of the Crown, and also that of the European forces of the Company; but these limitations have been set aside by later enactments. By 53 Geo. 3, cap. 155, sec. 87, the forces of the Crown may be increased to 20,000 men, and a further increase may take place on the requisition of the Court of Directors, but not otherwise. Such requisition has been made from time to time. By 16 & 17 Vict. cap. 95, sec. 31, the European forces of the Company may amount to 20,000.

Commissioners not to give directions for increasing salaries beyond the amount fixed by orders which have been sent to India, unless proposed by the Directors, &c.

III. And whereas it is expedient that further provisions should be made for limiting the application of the said revenues, with respect to the established salaries and allowances to be paid therefrom to any person in India, and with respect to any extraordinary allowances or gratuities to be paid therefrom to any person on account of services performed in India; be it therefore further enacted by the authority aforesaid, that it shall not be lawful for the Commissioners for the affairs of India to give, or cause to be given, any directions, ordering or authorizing, by any despatches to be sent to India, the increase of the established salaries, allowances, or emoluments of any office in the service of the said Company, beyond the amount to which the same are now fixed by the orders which have been sent to India, unless such increase shall be specified and contained in some despatch proposed by the said Court of Directors to be sent to India, and transmitted by them to the said Commissioners for their approbation; and unless an account of the actual salaries, allowances, and emoluments of such office, and of the increase proposed to be made therein, with the reasons for such increase, shall have been laid before both Houses of Parliament thirty days before such despatch shall be sent. (1)

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 17, and 3 & 4 Wm. 4, cap. 85, sec. 110.]

IV. And be it further enacted, that it shall not be lawful for the said Commissioners to give, or cause to be given, any direction for the payment of any extraordinary allowance or gratuity from the said revenues, to any person, on account of services performed in India, or on any other account whatever, to any greater amount, or to any other person, than shall be specified and contained in some despatch proposed by the said Court of Directors to be sent to India, and transmitted by them to the said Commissioners for their approbation; and that in every case where any such directions shall be so given, a distinct account of all such allowances or gratuities shall be added to the next list of establishments laid before Parliament by the said Court of Directors. (1)

Commissioners not to give directions for payment of any gratuity, but such as shall be specified in despatches proposed by the Directors, &c.

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 18, and 3 & 4 Wm. 4, cap. 85, sec. 110.]

Section 5 directed certain accounts to be laid annually before Parliament; which, together with others, are now rendered under 3 & 4 Wm. 4, cap. 85, sec. 116.

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28 GEORGII III. Cap. XXIX.

An Act *to enable the East-India Company to borrow a further Sum of Money upon Bond.*

This Act empowered the Company to increase their Bond Debt by the sum of £1,200,000. See note on 34 Geo. 3, cap. 41.

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29 GEORGII III. Cap. LXV.

An Act *to enable the East-India Company to raise Money by further increasing their Capital Stock.*

The title renders unnecessary any observation on the object of this Act. For its effect, see note on 3 & 4 Wm. 4, cap. 85, sec. 11.

31 GEORGII III. Cap. X.

An Act *for altering and amending so much of an Act, passed in the twenty-eighth year of his Majesty's Reign, intituled, " An Act for " removing any Doubt respecting the Power of the Commissioners for " the Affairs of India, to direct that the Expense of raising, trans- " porting, and maintaining, such Troops as may be judged necessary " for the security of the British Territories and Possessions in the " East-Indies, should be defrayed out of the Revenues arising from " the said Territories and Possessions ; and for limiting the Applica- " tion of the said Revenues in the manner therein mentioned," as relates to such Directions as shall be given or approved by the said Commissioners with respect to the Payment of certain Proportions of his Majesty's Forces in India, and of the European Forces of the East-India Company therein specified.*

This Act allowed the Board of Commissioners for the Affairs of India to make, within a specified time, a limited addition to the forces of the Crown in India. But by a later Act (53 Geo. 3, cap. 155, sec. 87), further addition was sanctioned, as stated in a Note on 28 Geo. 3, cap. 8.

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33 GEORGII III. Cap. XIII.

An Act *to prevent Acts of Parliament from taking effect from a time prior to the passing thereof.*

The following Act has no especial reference to India, or the East-India Company ; but to account for the introduction of the prescribed addition to the title of subsequent Acts, it has been deemed proper to insert it here.

Clerk of the Parliament to endorse on every Act the time it receives the royal assent, which shall be its commencement, when no other is provided.

Whereas every Act of Parliament in which the commencement thereof is not directed to be from a specific time, doth commence from the first day of the Session of Parliament in which such Act is passed ; and whereas the same is liable to produce great and manifest injustice ; for remedy whereof, be it enacted ; and it is hereby enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that

the clerk of the Parliament shall endorse (in English) on every Act of Parliament which shall pass after the eighth day of April, one thousand seven hundred and ninety-three, immediately after the title of such Act, the day, month, and year when the same shall have passed and shall have received the Royal assent; and such endorsement shall be taken to be a part of such Act, and to be the date of its commencement, where no other commencement shall be therein provided.

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33 GEORGII III. Cap. XLVII.

An Act *for placing the Stock called East-India Annuities under the Management of the Governor and Company of the Bank of England, and ingrafting the same on the Three Pounds per Centum Reduced Annuities, in Redemption of a Debt of four millions two hundred thousand pounds, owing by the Public to the East-India Company; and for enabling the said Company to raise a Sum of Money, by a further Increase of their Capital Stock, to be applied in Discharge of certain Debts of the said Company.* [*7th June*, 1793.]

The first seven sections of this Act relate to matters which have now no importance. Sections 8 to 13 provide for an increase of the Capital Stock of the Company. See note on 3 & 4 Wm. 4, cap. 85, sec. 11.

Sections 14 and 15 have reference to the reduction and increase of the Bond Debt. See note on 34 Geo. 3, cap. 41

Section 16 declares this a Public Act.

33 GEORGII III. Cap. LII.

An Act *for continuing in the East-India Company, for a further term, the Possession of the British Territories in India, together with their exclusive Trade, under certain limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain uses the Revenues and Profits of the said Company; and for making provision for the good Order and Government of the Towns of Calcutta, Madras, and Bombay.*

[11*th June*, 1793.]

Preamble.

21 G. 3, c. 65.

Whereas it is expedient that the exclusive trade of the United Company of Merchants of England trading to the East-Indies, within the limits of their Charter, which, by an Act made in the twenty-first year of his Majesty's reign, for establishing an agreement with the said Company, and other purposes, was continued to them for a term thereby limited, should be further continued to them and their successors, under certain limitations and restrictions, for a term of twenty years, to be computed from the first day of March, one thousand seven hundred and ninety-four, liable to be discontinued at or after the end of such period, upon three years' notice, previously given by Parliament for that purpose; and that during the said further term all the territorial acquisitions obtained in the East-Indies, which, by an Act made in the seventh year of his Majesty's reign for establishing an agreement for the payment of a certain annual sum for a limited time by the said Company, in respect of the said acquisitions and the revenues thereof, and by subsequent Acts were continued in the possession of the said Company, together with the territorial acquisitions lately obtained there, with the revenues of the same respectively, should remain in the possession of the said Company, without prejudice to the claims of the public, or of the said Company, subject to such powers and authorities for the superintendence, direction, and control over all acts, operations, and concerns, which relate to the civil or military government or revenues of the said territories, as have been already made or provided by any Act or Acts of Parliament in that behalf, or to such further powers, and under and subject to such other rules, regulations, and restrictions, relating to or concerning the said civil government, and the appropriation of the said revenues, as shall be now made and provided by the authority of Parliament: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said territorial acquisitions in the said former Acts mentioned, together with the territorial acquisitions lately obtained in the East-Indies, with the revenues thereof respectively, shall remain and continue in the possession of the said United Company for and during the further term by this Act granted to them in the said exclusive trade, subject nevertheless to the several regulations and provisions in this Act contained.

7 G. 3, c. 57.

Territorial acquisitions, with the revenues, to continue in the possession of the East-India Company for a further time.

His Majesty may appoint Commissioners for the affairs of India.

II. And be it further enacted by the authority aforesaid, that it shall and may be lawful for his Majesty, his heirs or successors, by any Letters Patent, or by any commission or commissions to be issued under the Great Seal of Great Britain, from time to time to nomi-

nate, constitute, and appoint, during his or their pleasure, such Members of the Privy Council (of whom the two principal Secretaries of State, and the Chancellor of the Exchequer for the time being, shall always be three), and such other two persons as his Majesty, his heirs or successors, shall think fit to be, and who shall accordingly be and be styled Commissioners for the Affairs of India.(1)

(1) [By 3 & 4 Wm. 4, cap. 85, secs. 19 and 20, the constitution of the Board is in some respects varied. The office of Commissioner is not restricted to members of the Privy Council, and the following great Officers of State are to be *ex officio* Commissioners :—the Lord President of the Council, the Lord Privy Seal, the first Lord of the Treasury, the principal Secretaries of State (then three, now four), and the Chancellor of the Exchequer.]

III. And be it further enacted, that any three or more of the said Commissioners shall and may form a Board, for executing the several powers which by this Act, or by any other Act or Acts, are or shall be given to or vested in the said Commissioners; and that the first named Commissioner in any such Letters Patent or Commission for the time being shall be the President of the said Board; and that when any Board shall be formed in the absence of the President, the Commissioner whose name shall stand next in the order of their nomination in the said Commission, of those who shall be present, shall for that turn preside at the said Board.(1)

Three Commissioners may form a Board, &c.

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 21, two Commissioners are sufficient to constitute a Board.]

IV. And be it further enacted, that if the Commissioners present at any Board shall be equally divided in opinion, in respect to any matter by them discussed, then, and on every such occasion, the President, or in his absence the Commissioner acting as such, shall have two voices, or the casting vote.

President to have the casting vote.

V. And be it further enacted, that the said Board of Commissioners shall and may nominate and appoint such secretaries and officers as shall be necessary to attend upon the said Board, who shall be subject to dismission at the pleasure of the said Board; and that the proceedings of the said Commissioners shall be entered in proper books; and that as well the said Commissioners, or such and so many of them as his Majesty shall think fit, as likewise their secretaries and other officers, shall be paid such fixed salaries as his Majesty shall, by any warrant or warrants under his sign manual, countersigned by the Chancellor of the Exchequer for the time being, direct; and that in the mean time the salaries and allowances already granted to the secretaries and officers of the present Board of Commissioners for the Affairs of India, shall be continued; all which salaries, together with all other contingent charges and expenses to be incurred by the said Board, shall be paid and defrayed quarterly by the said Company, and deemed and taken as part of their commercial charges, the quarterly amount thereof being first settled and allowed by the said Board, and certified by the President or acting President of the said Board for the time being, to the Court of Directors of the said Company: provided always, that the whole of the salaries to be paid to the members of the said Board shall not exceed the sum of five thousand pounds in any one year; and that

Board may appoint officers.

Salaries to be fixed by his Majesty, &c.

The whole salaries to members of the Board

not to exceed £5,000 annually, &c.

the whole of the salaries, charges, and expenses of the said Board, exclusive of the salaries of the members of the said Board, shall not exceed the sum of eleven thousand pounds in any one year. (1)

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 23, it is enacted that no Commissioner as such, except the President, shall receive a salary; and by 16 & 17 Vict. cap. 95, sec. 33, the salary of the President is in no case to be less than that paid to one of her Majesty's principal Secretaries of State. By 53 Geo. 3, cap. 155, sec. 90, the total amount of salaries and charges is fixed at twenty-six thousand pounds, exclusive, however, of superannuations granted under section 91 of that Act. Provision is made by 3 & 4 Wm. 4, cap. 85, sec. 6, for extraordinary charges arising out of the cessation of the Company's trade; but by sec. 110, the sum payable by the Company on account of the Board, is not to be increased beyond the fixed amount, except for defraying those charges.]

Commissioners to take the following

VI. Provided also, and be it further enacted, that the said Commissioners, before they shall proceed to act in execution of any of the powers or authorities vested in them (save only the power of administering the oath aftermentioned), shall severally take and subscribe the following oath; (that is to say):

Oath.

"I, *A. B.*, do faithfully promise and swear, that as a Commissioner or Member of the "Board for the Affairs of India, I will give my best advice and assistance for the good "government of the British possessions in the East-Indies, and the due administration of "the revenues of the same, according to law, and will execute the several powers and "trusts reposed in me according to the best of my skill and judgment, without favour or "affection, prejudice or malice, to any person whatever."

Which oath any two of the said Commissioners shall and are hereby empowered to administer to the others of them, or any of them; and the said oath shall be entered by their chief secretary amongst the acts of the Board, and be duly subscribed and attested by the said Commissioners, at the time of their taking and administering the same to each other respectively.

Officers to take oath.

VII. And be it further enacted, that the several secretaries and other officers of the said Board shall also take and subscribe before the said Board, such oath of secrecy and for the execution of the duties of their respective stations, as the said Board shall direct. (1)

(1) [See 3 & 4 Wm. 4, cap. 85, sec. 24.]

VIII. And for obviating any doubt which might otherwise arise, how far the office or appointment of a Commissioner of the said Board for the Affairs of India, by virtue of this Act, or of the chief secretary to the said Board, be within any of the provisions contained in an Act of the sixth year of the reign of Queen Anne, intituled, "An Act for the Security of Her "Majesty's Person and Government, and of the Succession to the Crown of Great Britain, in "the Protestant Line," or how far the appointment of any such Commissioner or Secretary, being a member or members of the House of Commons, shall vacate his or their seat or seats in

6 Annæ, c. 7.

that house, be it further enacted and declared, that the said respective offices, places, or appointments of a Commissioner or Chief Secretary of the said Board for the Affairs of India, to be made under the authority of this Act, shall not be deemed or taken to be within the intent or purview of the said Act of the sixth year of Queen Anne, whereby to disqualify any such Commissioner or Chief Secretary from being elected, or sitting or voting as a member of the House of Commons; nor shall the appointment of any such Commissioner, not having any special salary annexed to such appointment, or the said Chief Secretary, if a member or members of the House of Commons, vacate his or their seat or seats in the said house; any thing contained in the said Act of the sixth year of Queen Anne, or in any other Act, to the contrary notwithstanding. (1)

Appointments of Commissioner, or Chief Secretary, not to disqualify from being elected to Parliament, &c.

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 23, the Board was to appoint two secretaries, each of whom was to have the same powers, rights, and privileges as were previously vested in the chief secretary; but by 16 & 17 Vict. cap. 95, sec. 33, one only of the said secretaries is to be capable of sitting in Parliament.]

IX. And be it further enacted, that the said Board of Commissioners shall by force and virtue of this Act have and be invested with full power and authority to superintend, direct, and control all acts, operations, and concerns which in anywise relate to or concern the civil or military government or revenues of the said territories and acquisitions in the East-Indies, subject nevertheless to such directions, rules, regulations, and restrictions, and to such appropriations of the said revenues, as are by this Act made, provided, or established, and not otherwise, or in any other manner, any former Act or Acts to the contrary notwithstanding. (1)

Board to superintend all concerns relating to the civil or military government or revenues in the East-Indies.

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 6, the power of control is extended to all Acts connected with the sale of the Company's commercial property.]

X. And be it further enacted, that the said Commissioners, or any of them, or their Chief Secretary, or any other of the officers of the said Board, by the order and authority of the said Board, shall have free access to the books, papers, letters of correspondence, evidences, and other records of the said Company, and be assisted by the proper officers of the said Company in their searches for the same, and furnished, by and at the expense of the said Company, with copies or extracts of so many or such parts thereof respectively as the said Board shall require. (1)

Commissioners, or their officers, to have access to the books of the Company, &c.

(1) [By 53 Geo. 3, cap. 155, sec. 78, the Board may direct the preparation of such accounts, statements, and abstracts as they may think fit.]

XI. And be it further enacted, that the Court of Directors of the said Company for the time being shall, and they are hereby required, from time to time, to deliver to the said Board copies of all minutes, orders, resolutions, and proceedings of all Courts of Proprietors, general or special, and of all Courts of Directors, within eight days after the holding of such Courts respectively, and also copies of all letters, advices, and despatches which shall at any time or times be received by the said Court of Directors, or any committee of Directors from the East-

Court of Directors to deliver to the Board copies of all proceedings, and of despatches received relating to the civil or military government or revenues.

Indies, or from any other of their settlements or factories, within the limits of their exclusive trade, or from any of the servants of the said United Company, stationed at Saint Helena, Bussora, Suez, Aleppo, or other parts beyond the seas, in anywise relating to or concerning the civil or military government, or the revenues of the said territories and acquisitions in India, immediately after the arrival and receipt thereof. (1)

(1) [Extended by 3 & 4 Wm. 4, cap. 85, sec. 29, to all documents which shall be material, or which the Board may require.]

Orders relating to the civil or military government or revenues to be submitted to the consideration of the Board, who may alter the same, &c.

XII. And be it further enacted, that no orders or instructions whatever relating to the civil or military government or revenues of the said territorial acquisitions in India, shall be at any time sent or given to any of the governments or settlements in India, by the Court of Directors of the said United Company or by any committee of the said Directors, until the same shall have been submitted to the consideration of, and approved by the said Board; (1) and for that purpose, that copies of all orders and instructions which the said Court of Directors, or any committee of the said Directors, shall propose to be sent to India, shall be by them previously laid before the said Board, and that within the space of fourteen days (2) after the receipt of such proposed despatches, the said Board shall either return the same to the said Court of Directors, or committee of Directors, with their approbation thereof certified under the hand of the chief secretary to the said Board, by the order of the said Board, or if the said Board shall disapprove, alter, or vary in substance any of such proposed orders or instructions, in every such case the said Board shall give to the said Directors in writing, under the hand of the chief secretary of the said Board, by order of the said Board, their reasons at large in respect thereof, together with their instructions to the said Directors in relation thereto: and that the said Directors shall, and they are hereby required, forthwith to despatch and send the letters, orders, and instructions, in the form approved by the said Board, to the proper governments or officers in India, or other limits, without further delay, unless on any representation made to them by the said Directors, the said Board shall order any alterations to be made therein; and that the Directors of the said Company for the time being shall, and are hereby required to pay obedience to, and shall be governed and bound by, such orders and instructions as they shall from time to time receive from the said Board of Commissioners, touching or concerning the civil and military government of the said territories and acquisitions, and the revenues of the same, according to the tenor and true intent of this Act.

(1) [By later enactments the power of control is extended to all official communications, except those with the home establishment, and the law advisers of the Company. 3 & 4 Wm. 4, cap. 85, secs. 30, 34.]

(2) [By 53 Geo. 3, cap. 155, sec. 71, and 3 & 4 Wm. 4, cap. 85, sec. 30, the time for returning drafts of despatches, &c. from the Board, is extended to two months.]

Directors may make representations touching orders altered or disapproved by the Board.

XIII. Provided always, and be it further enacted, that nothing herein contained shall extend, or be construed to extend, to restrict or prohibit the said Directors from expressing by representation in writing to the said Board, such remarks, observations, or explanations as shall occur, or they shall think fit, touching or concerning any letters, orders, or instruc-

tions, which shall have been varied in substance, or disapproved by the said Board (1); and that the said Board shall, and they are hereby required, to take every such representation, and the several matters therein contained or alleged, into their consideration, and to give such further orders or instructions thereupon as they shall think fit and expedient; which orders or instructions shall be final and conclusive upon the said Directors.

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 32, the time for making such representation is limited to fourteen days; subject, in cases where the legality of the orders is disputed, to a reference to three or more Judges of the Court of Queen's Bench (sec. 33).]

Board not to nominate any of the servants of the Company.

XIV. Provided also, and be it further enacted and declared, that nothing in this Act contained, shall extend to give to the said Board of Commissioners the power of nominating or appointing any of the servants of the said United Company, any thing herein contained to the contrary notwithstanding. (1)

(1) [By 16 & 17 Vict. cap. 95, sec. 29, the approbation of the Board is made necessary to the validity of the appointment of any Advocate-General.]

If the Directors neglect to frame despatches beyond fourteen days after requisition, the Board may prepare instructions, and the Directors shall forward them to India.

XV. And be it further enacted, that whenever the Court of Directors of the said United Company shall neglect to frame, and to transmit to the said Board, despatches on any subject connected with the civil or military government of the said territories and acquisitions, or with the revenues thereof, beyond the space of fourteen days after requisition made to them by order of the said Board, it shall and may be lawful to and for the said Board to prepare and send to the said Directors (without waiting for the receipt of the copies of despatches intended to be sent by the said Directors) any orders or instructions for any of the governments or presidencies in India, concerning the civil or military government of the said territories, or the revenues thereof: and the said Directors shall, and they are hereby required to transmit despatches, according to the tenor of the said orders and instructions so transmitted to them by the said Board, unto the respective governments and presidencies in India, unless, on any representation made by the said Directors to the said Board, touching such orders or instructions, the said Board shall direct any alteration to be made in the same; which directions the said Court of Directors shall, in such case, be bound to conform to. (1)

(1) [Extended to all official communications by 3 & 4 Wm. 4, cap. 85, sec. 31.]

Section 16 restricted the interference of the Board to matters of civil or military government and revenue; and where the right should be disputed, authorized an application to the King in Council. Neither of these provisions is now in force.

Board not to direct the increase of established salaries, unless proposed by the Direc-

XVII. Provided also, and be it further enacted, that it shall not be lawful for the said Board to give or cause to be given any directions, ordering or authorizing, by any despatches to be sent to India, the increase of the established salaries, allowances, or emoluments of any

tors and laid before Parliament;

Governor-General, Governor, or President, or Member of Council of any of the Presidencies and settlements there, or of any other officer in the service of the said Company, beyond the amount to which the same now stands fixed by the orders which have been sent to India, unless such increase shall be specified and contained in some despatch proposed by the said Court of Directors to be sent to India, and transmitted by them to the said Board for their approbation, and unless an account of the actual salaries, allowances, and emoluments of such Governor-General, Governor, or President, or Member of Council, or other officer respectively, and of the increase proposed to be made therein, with the reasons for such increase, shall have been laid before both Houses of Parliament thirty days before such despatch shall be sent. (1)

(1) [*Vide* 28 Geo. 3, cap. 8, sec. 3, and 3 & 4 Wm. 4, cap. 85, sec. 110.]

nor to direct any gratuity, but such as shall be proposed by the Directors, &c.

XVIII. Provided also, and be it further enacted, that it shall not be lawful for the said Board to give, or cause to be given, any direction for the payment of any extraordinary allowance or gratuity from the said revenues to any person, on account of services performed in India, or on any other account whatever, to any greater amount, or to any other person than shall be specified and contained in some despatch proposed by the said Court of Directors to be sent to India, and transmitted by them to the said Board for their approbation; and that in every case where any such directions shall be so given, a distinct account of all such allowances or gratuities shall be added to the next list of establishments laid before Parliament by the said Court of Directors. (1)

(1) [*Vide* 28 Geo. 3, cap. 8, sec. 4, and 3 & 4 Wm. 4, cap. 85, sec. 110.]

Board may send orders to Secret Committee of Directors, who shall transmit the same to India.

XIX. Provided also, and be it further enacted, that if the said Board of Commissioners shall be of opinion that the subject matter of any of their deliberations concerning the levying war, or making peace, or treating or negotiating with any of the native princes or states in India (1), intended to be communicated in orders to any of the Governments or Presidencies in India (2) shall be of a nature to require secrecy, it shall and may be lawful for the said Board to send their orders and instructions to the Secret Committee of the said Court of Directors, to be appointed as is by this Act directed, who shall thereupon, without disclosing the same, transmit their orders and despatches, according to the tenor of the said orders and instructions of the said Board to the respective Governments and Presidencies in India; and that the said Governments and Presidencies shall be bound to pay a faithful obedience thereto, in like manner as if such orders and instructions had been sent to them by the said Court of Directors.

(1) [Extended by 3 & 4 Wm. 4, cap. 85, sec. 36, by adding the words "or with any other Princes or States, or touching the policy to "be observed with respect to such Princes or States."]

(2) [Extended by 3 & 4 Wm. 4, cap. 85, sec. 36, to orders of the character specified to any officers or servants of the Company.]

Directors to appoint a Secret Committee, who shall take oath.

XX. And be it further enacted, that the said Court of Directors shall from time to time appoint a Secret Committee, to consist of any number not exceeding three of the said Directors,

for the particular purposes in this Act specified; which said Directors so appointed shall, before they or any of them shall act in the execution of the powers and trusts hereby reposed in them, take an oath of the tenor following.(1) * * * * * * * Which said oath shall and may be administered by the several and respective members of the said Secret Committee to each other; and, being so by them taken and subscribed, the same shall be recorded by the Secretary of the said Court of Directors for the time being amongst the Acts of the said Court.(2)

(1) [The prescribed oath is here omitted, having been replaced by others which will be found in 53 Geo. 3, cap. 155, sec. 74, and 3 & 4 Wm. 4, cap. 85, sec. 35.]

(2) [The directions for the appointment of a Secret Committee, and the administration of an oath to its members, are repeated in 3 & 4 Wm. 4, cap. 85, sec. 35, where also it is provided that the record may be made either by the Secretary or the Deputy-Secretary.]

Despatches of the Secret Committee to be prepared only by the Secretary or Examiner of Indian Correspondence, who shall take an oath of secrecy.

XXI. And be it further enacted, that if the said Secret Committee, in the execution of their said powers and trusts, shall find it necessary to employ any person in transcribing or preparing any secret despatches, orders, or instructions, required to be transmitted by them to India, under the direction of this Act, the said despatches, orders, and instructions, shall be transcribed and prepared, either by the Secretary of the Court of Directors for the time being, or by the officer called the Examiner of Indian Correspondence for the time being, and by no other person or persons, unless with the approbation and consent of the said Board of Commissioners for the Affairs of India, for that purpose first had and obtained; and that as well the said Secretary and Examiner, as every other person who shall be entrusted with the transcribing or preparing any of such despatches, orders, or instructions, shall, before they respectively enter upon that duty, take and subscribe, before any of the members of the said Secret Committee, an oath of secrecy, as near unto the tenor and form of the oath hereinbefore provided and directed to be taken by the members of the said Secret Committee as the case will admit; and the members of the said Committee, or any two of them, are hereby authorized and required to frame and administer such oath accordingly, and to attest the taking and subscribing of the same by the said Secretary and Examiner, and all other persons who shall be employed by them as aforesaid, and to cause the same to be recorded amongst the Acts of the said Court of Directors.(1)

(1) [Oath varied by 53 Geo. 3, cap. 155, sec. 75.]

Presidencies in India may send despatches to the Secret Committee, who shall deliver them to the Board.

XXII. Provided also, and be it further enacted, that when any of the Governments or Presidencies in India shall be of opinion that any of their despatches to Great Britain, concerning the Government of the said territories and acquisitions, or the levying war, or making peace, or negotiations or treaties with any of the Native Princes or States of India, shall be of a nature to require the same to be kept secret, it shall be lawful for the said Governments or Presidencies respectively to address their despatches requiring such secrecy, under cover, sealed with their seals, unto the said Secret Committee of Directors of the said Company, for the inspection of such Committee, and that immediately upon the arrival of such despatches so addressed, the said Secret Committee of Directors shall deliver the same, or copies thereof, to the said Board.(1)

(1) [By 53 Geo. 3, cap. 155, sec. 73, the rule of secrecy with respect to despatches addressed by order of the Board *to* the Governments of India is applied to the contents of despatches received by the Secret Committee *from* those Governments.]

Orders of the Directors touching the civil or military government, or the revenues, after approbation by the Board, not revocable by the Proprietors.

XXIII. And be it further enacted, that no order or resolution of the Court of Directors of the said Company, touching or concerning the civil or military government or revenues of the said territories and acquisitions in India, after the same shall have received the approbation of the Board of Commissioners for the Affairs of India, shall be liable to be rescinded, suspended, revoked, or varied by any General Court of Proprietors of the said Company.

Section 24 contains provisions for the constitution of the Governments of the three Presidencies, which are superseded by the later provisions contained in 3 & 4 Wm. 4, cap. 85.

Vacancies of Governors, &c., to be filled up by the Directors.

XXV. And be it further enacted, that all vacancies happening in the office of Governor-General of Fort William in Bengal, or of any of the members of the Council there, or of Governor of either of the Company's presidencies or settlements of Fort Saint George or Bombay, or of any of the members of the Council of the same respectively, or of Governor of the forts and garrisons at Fort William, Fort Saint George, or Bombay, or of Commander-in-chief of all the forces in India, or of any provincial Commander-in-chief of the forces there, all and every of such vacancies shall be filled up and supplied by the Court of Directors of the said United Company, the vacancies of any of the said members of Council being always supplied from amongst the list of senior merchants of the said Company, who shall have respectively resided twelve years in India in their service, and not otherwise, except as is hereinafter otherwise provided. (1)

(1) [The approbation of the Crown is now necessary to the appointment of Governor-General, Governors of subordinate presidencies, Members of Council, whether of the Council of India or of any subordinate presidency. See as to the appointment of Governor-General and Governors, 53 Geo. 3, cap. 155, sec. 80, and 3 & 4 Wm. 4, cap. 85, secs. 42, 58, and 61; as to the appointment of the fourth ordinary Member of the Council of India, 3 & 4 Wm. 4, cap. 85, sec. 40; as to Members of Council generally, 16 & 17 Vict. cap. 95, sec. 20. By 16 & 17 Vict. cap. 95, sec. 30, any person appointed Commander-in-chief of the forces of the Crown in India, is by virtue of such appointment to be Commander-in-chief of all the Company's forces in India, and the Commander-in-chief of the Royal forces in any presidency is to be Commander-in-chief of the Company's forces in such presidency. By 53 Geo. 3, cap. 155, sec. 82, and 3 & 4 Wm. 4, cap. 85, sec. 40, the twelve years' residence required as a qualification for councillor is reduced to ten. Under the same section

of the Act last mentioned, military officers having completed the required period of service are eligible for appointment to the Council of India, and the *fourth* ordinary Member of that Council is to be a person not previously in the service of the Company. In the above section, and in numerous Acts antecedent to 3 & 4 Wm. 4, cap. 85, the functionary holding the chief place of authority in India is named Governor-General of Fort William in Bengal. By section 39 of the Act last mentioned, the office of Governor-General of India was created, and by section 52 all powers given to the Governor-General of Fort William in Bengal, in Council or alone, by former Acts then in force, and not repugnant to 3 & 4 Wm. 4, cap. 85, were to apply to the Governor-General of India in Council, and to the Governor-General of India alone, respectively.]

If the Directors neglect to fill up vacancies, his Majesty may supply them.

XXVI. Provided always, and be it further enacted, that when and so often as the said Court of Directors shall neglect, for the space of two calendar months, to be computed from the day whereon the notification of the vacancy of any office or employment in India, in the appointment of the said Court of Directors, shall have been received by the said Court, to supply such vacancy, then and in every such case it shall be lawful for his Majesty, his heirs and successors, to constitute and appoint, by writing under his or their royal sign manual (under the same restrictions and regulations as are hereinbefore provided with respect to the nominations and appointments made by the said Court of Directors) such person to supply such vacancy as his Majesty, his heirs and successors, shall think proper; and that every person so constituted and appointed shall have and be invested with the same powers, privileges, and authorities, as if he or they had been nominated and appointed by the said Court of Directors, and shall be subject to recall only by the King's Majesty, his heirs or successors; any thing herein contained to the contrary notwithstanding. (1)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 60.]

Directors may appoint persons provisionally to supply vacancies.

XXVII. And be it further enacted, that it shall be lawful for the said Court of Directors to appoint any person or persons provisionally to succeed to any of the offices aforesaid, for supplying any vacancy or vacancies therein, when the same shall happen by the death or resignation of the person or persons holding the same office or offices respectively, or on his or their departure from India, or on any event or contingency expressed in any such provisional appointment or appointments to the same respectively, and such appointments again to revoke; but that no person so appointed to succeed provisionally to any of the said offices shall be entitled to any authority, salary, or emolument appertaining thereto, until he shall be in the actual possession of such office, any Act or Statute to the contrary notwithstanding.(1)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 61.]

Section 28 provides that nothing in this Act shall extend to vacate or disturb any previous appointment, lawfully made.

How vacancies are to be supplied when no successors are on the spot.

XXIX. And be it further enacted, that if any vacancy shall happen in the office of Governor-General of Fort William, or of Governor of Fort Saint George or Bombay respectively, when no provisional or other successor shall be upon the spot to supply such vacancy, then and in every such case the Counsellor of the presidency wherein such vacancy shall happen, next in rank to the said Governor-General or Governor respectively, shall hold and execute the said office of Governor-General or Governor until a successor shall arrive, or until some other person on the spot shall be duly appointed thereto; and if the Council Board shall happen during that interval to become reduced to one only member besides the acting Governor-General or Governor, then and in such case the person so acting as Governor-General or Governor shall be and is hereby empowered to call to the Council Board such one of the senior merchants of the said Company at such presidency where the vacancy shall occur, as he shall think fit to be a temporary member of the said Board; and that the person so called shall accordingly sit and act as a member of the said Council, and shall have the same powers in all other respects as are given to persons appointed to the Council Board by the said Court of Directors until the arrival of a successor or other appointment made to the office of Governor-General or Governor respectively; and that every such acting Governor-General, Governor, and occasional Counsellor shall, during the time of their continuing to act as such respectively, be entitled to receive the several emoluments and advantages appertaining to the said offices by them respectively supplied, such acting Governor-General and Governor foregoing their salary and allowances of Counsellor for the same period. (1)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, secs. 62 and 63.]

Next member of Council to Commander-in-chief to succeed to the temporary government of a Presidency, unless the Commander-in-chief shall have been provisionally appointed.

XXX. Provided always, and be it further enacted, that if at the time of any vacancy happening in the office of Governor-General or of a Governor of any of the said presidencies, no eventual successor appointed under the authority of this Act shall be present upon the spot, any Commander-in-chief, although he shall be then a member of the Council of the presidency where such vacancy shall occur, shall not succeed to the temporary government of such presidency, unless such Commander-in-chief shall have been provisionally appointed to supply the same, but that the vacancy shall be supplied by the Counsellor next in rank at the Council Board to such Commander-in-chief, any thing herein contained to the contrary notwithstanding.

Vacancy of Counsellors, when no successors are on the spot, to be supplied by the Governor in Council from the senior merchants.

XXXI. And be it further enacted, that if any vacancy shall happen of the office of a Counsellor at either of the said presidencies when no person provisionally or otherwise appointed to succeed thereto shall be then resident on the spot, then and on every such occasion such vacancy shall be supplied by and at the nomination and appointment of the Governor-General in Council of Fort William, or the Governor in Council of Fort Saint George or Bombay respectively, from amongst the senior merchants in the said Company's service in India, and that the person or persons so nominated shall execute the said office, and shall have the same powers in all respects as are given to persons appointed to the Council Board by the said Court of Directors until a successor or successors shall arrive, duly appointed by the said Court of Directors, and shall have and be entitled to the salary and other emoluments and advantages appertaining to the said office or offices during his or their continuance therein respectively.(1)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 64.]

XXXII. And be it further enacted, that when the office of Governor-General and the office of Commander-in-chief of all the forces in India shall not be vested in the same person, such Commander-in-chief shall and may, if specially authorized for that purpose by the said Court of Directors, and not otherwise, be a member of the Council of Fort William; and that when the offices of Governor of Fort Saint George and Commander-in-chief of the forces there shall be vested in different persons, or the offices of Governor of Bombay and Commander-in-chief of the forces in Bombay shall be vested in different persons, such respective Commanders-in-chief shall and may, if specially authorized by the Court of Directors, and not otherwise, be a member of Council at the said respective presidencies; and that when any Commander-in-chief shall be appointed a member of any of the said councils, such Commander shall have rank and precedence at the Council Board next to the Governor-General or Governor of the same presidency; but no Commander-in-chief shall be entitled to any salary or emolument in respect of his being a member of any of the said councils, unless the same shall be specially granted by the Court of Directors of the said Company.(1)

The Commander-in-chief, when not the Governor at the Presidency, may, by the authority of the Directors, be the second Member of the Council.

(1) [*Vide* 45 Geo. 3, cap. 36, and 3 & 4 Wm. 4, cap. 85, sec. 40.]

XXXIII. Provided always, and be it further enacted, that when the Commander-in-chief of all the forces in India (not being likewise Governor-General) shall happen to be resident at either of the presidencies of Fort Saint George or Bombay, the said Commander-in-chief shall, from the time of his arrival and during his continuance at such presidency, be a member of the Council of such presidency, and during that period the provincial Commander-in-chief of the forces of the same presidency, if he shall be a member of the Council thereof, shall and may continue to sit and deliberate, but shall not have any voice at the Council Board.

The Commander-in-chief in India, not being Governor-General, while resident at Fort St. George or Bombay, shall be a Member of Council.

XXXIV. And be it further enacted, that if any of the members of the Council of either of the said presidencies shall, by any infirmity or otherwise, be rendered incapable of acting, or of attending to act as such, or if any of such members shall be absent from the presidency, and the Governor-General or either of the said Governors shall be desirous of having the advice of a full Council upon any urgent business, the Governor-General or such Governors respectively shall by virtue of this Act have full power and authority to call any provisional successor appointed, then on the spot, or there being none such on the spot, then any senior merchant on the spot, to assist at the Council Board for that turn, but that such provisional successor or other person shall not be entitled to any salary or other emolument in respect thereof, nor shall his acting as an occasional member of Council, in manner aforesaid, deprive him of any office or employment he before enjoyed.

If any Member shall be incapable of attending, the Governor of the Presidency may call to the Council a provisional successor, &c.

XXXV. And be it further enacted, that it shall and may be lawful to and for the King's Majesty, his heirs and successors, by any writing or instrument, under his or their sign manual, countersigned by the President of the Board of Commissioners for the Affairs of India, to remove or recall any person or persons holding any office, employment, or commission, civil or military, under the said United Company in India for the time being, and to vacate and make void all or every, or any appointment or appointments, commission or commissions, of any person or persons to any such offices or employments; and that all and every the powers and authorities of the respective persons so removed, recalled, or whose appointment or commission shall be vacated, shall cease or determine at or from such respective time or times as in the said writing or writings shall be expressed and specified in that behalf; provided always, that a duplicate or copy of every such writing or instrument, under his

His Majesty by sign manual, countersigned by the President of the Board, may remove any officer or servant of the Company in India.

Majesty's sign manual, attested by the said President for the time being, shall, within eight days after the same shall be signed by his Majesty, his heirs or successors, be transmitted or delivered to the Chairman or Deputy Chairman for the time being of the said Company, to the intent that the Court of Directors of the said Company may be apprized thereof.(1)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 74.]

Act not to preclude the Directors from recalling their officers or servants.

XXXVI. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to preclude or take away the power of the Court of Directors of the said Company from removing or recalling any of the officers or servants of the said Company, but that the said Court shall and may at all times have full liberty to remove, recall, or dismiss any of such officers, or servants, at their will and pleasure, in the like manner as if this Act had not been made, any Governor-General, Governor, or Commander-in-chief, appointed by his Majesty, his heirs or successors, through the default of appointment by the said Court of Directors, always excepted; any thing herein contained to the contrary notwithstanding.(1)

(1) [*Vide* 53 Geo. 3, cap. 155, sec. 80, and 3 & 4 Wm. 4, cap. 85, sec. 75; also sec. 26 of this Act, and sec. 60 of 3 & 4 Wm. 4, cap. 85.]

Departure from India of any Governor-General, &c., with intent to return to Europe, to be deemed a resignation of employment, &c.

While at the Presidency, no resignation of a Governor-General, &c., to be valid, except delivered in writing to the secretary.

Regulation respecting salaries.

XXXVII. And be it further enacted, that the departure from India of any Governor-General, Governor, Member of Council, or Commander-in-chief, with intent to return to Europe, shall be deemed in law a resignation and avoidance of his office or employment; and that the arrival in any part of Europe of any such Governor-General, Governor, Member of Council, or Commander-in-chief, shall be a sufficient indication of such intent, and that no act or declaration of any Governor-General, or Governor, or Member of Council, during his continuance in the presidency whereof he was so Governor-General, Governor, or Counsellor, except by some deed or instrument in writing, under hand and seal, delivered to the secretary for the public department of the same presidency, in order to its being recorded, shall be deemed or held as a resignation or surrender of his said office; and that the salary and other allowances of any such Governor-General, or other officers respectively, shall cease from the day of such his departure, resignation, or surrender; and that if any such Governor-General, or any other officer whatever in the service of the said Company, shall quit or leave the presidency or settlement to which he shall belong, other than in the known actual service of the said Company, the salary and allowances appertaining to his office shall not be paid or payable during his absence to any agent or other person for his use; and in the event of his not returning back to his station at such presidency or settlement, or of his coming to Europe, his salary and allowances shall be deemed to have ceased from the day of his quitting such presidency or settlement, any law or usage to the contrary notwithstanding.(1)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 79. By 7 Geo. 4, cap. 56, sec. 3, if civil or military officers in the Company's service, having quitted their stations without proceeding, or intending to proceed, to Europe, should die during their temporary absence within the limits of the Company's Charter, or at the Cape of Good Hope, their representatives

are entitled to payment of their salaries and allowances. By 7 Wm. 4 & 1 Vict. cap. 47, the provisions of 33 Geo. 3, cap. 52, sec. 37, and of 3 & 4 Wm. 4, cap. 85, sec. 79, are not to extend to officers under the rank of Governor or Member of Council, who may quit their presidencies in consequence of sickness, under rules to be established by the local governments, with the sanction of the home authorities, and who shall proceed to any place within the limits of the East-India Company's Charter, the Cape of Good Hope, the Mauritius, or Saint Helena; nor to officers below such rank aforesaid proceeding with the permission of the Government of their own presidency to another, for the purpose of embarking for Europe; provided that the port of departure shall not be more distant from the places they may have quitted than the ports of their own presidency. The 16 & 17 Vict. cap. 95, sec. 32, gives to the home authorities the power of framing regulations authorizing officers and servants of the Company on sick leave or furlough, to reside beyond the limits of the Charter.]

XXXVIII. And be it further enacted, that the Governor-General and Counsellors of Fort William, and the several Governors and Counsellors of Fort Saint George and Bombay, shall at their respective Council Boards proceed in the first place to the consideration of such matters or questions as shall be proposed by the Governor-General, or by the Governors of the said presidencies respectively; and as often as any matter or question shall be propounded by any of the said Counsellors, it shall be competent to the said Governor-General or Governor respectively to postpone or adjourn the discussion thereof to a future day; provided that no such adjournment shall exceed forty-eight hours, nor shall the matter or question so proposed be adjourned more than twice without the consent of the Counsellor who proposed the same.

Councils, in the first place, to consider matters proposed by the Governor, who may postpone any matters proposed by Counsellors.

XXXIX. And be it further enacted, that all orders and other proceedings of the Governor-General and Council of Fort William shall be expressed to be made by the Governor-General in Council; and that all orders and other proceedings of the Governors and Council of Fort Saint George and Bombay respectively shall be expressed to be made by the Governor in Council, and not otherwise (1); and that the several orders and proceedings of all the said presidencies shall, previous to their being published or put in execution, be signed by the chief secretary to the Council of the presidency by the authority of the Governor-General in Council, or Governor in Council, as the case may be.(2)

Proceedings to be expressed to be made by the Governor and Council, and signed by the secretary.

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 57.]

(2) [*Vide* Act of Government of India, No. 2 of 1834, in Appendix.]

XL. And be it further enacted, that the Governor-General in Council at Fort William shall have and be invested, by virtue of this Act, with full power and authority to superintend, control, and direct the several Governments and Presidencies of Fort Saint George and Bombay, and all other Governments erected or to be erected by the said United Com-

Governor-General in Council at Fort William empowered to superintend the other presidencies.

pany, within the limits of their said exclusive trade, in all such points as shall relate to any negotiations or transactions with the country powers or states, or levying war or making peace, or the collection or application of the revenues of the said acquisitions and territories in India, or to the forces employed at any of such presidencies or governments, or to the civil or military government of the said presidencies, acquisitions, or territories, or any of them.(1)

(1) [*Vide* 13 Geo. 3, cap. 63, sec. 9. By 3 & 4 Wm. 4, cap. 85, sec. 39, the superintendence, direction, and control of the whole civil and military Government of India is vested in the Governor-General in Council; by section 59 of that Act the subordinate Governments are not to make or suspend laws excepting under urgent necessity, and then only provisionally; nor to create any new office, nor to grant any salary, allowance, or gratuity without the sanction of the Governor-General in Council: by section 65 they are bound to obey the instructions and orders of the Governor-General in Council in all cases whatsoever.]

The other Presidencies to obey the orders of the Governor-General in Council at Fort William, if not repugnant to instructions from England.

XLI. And in order to prevent the embarrassment and difficulty which may otherwise arise from any doubt whether the orders or instructions of the Governor-General in Council of Fort William relate to other points than those aforesaid, be it further enacted, that notwithstanding any doubt which may be entertained by the said Presidencies or Governments to whom such orders or instructions shall be given respecting the power of the Governor-General in Council to give such orders, yet the said Presidencies or Governments shall be bound to obey such orders and directions of the said Governor-General in Council, in all cases whatever, except only where they shall have received positive orders and instructions from the said Court of Directors, or from the Secret Committee of Directors, by the authority of the said Board of Commissioners for the Affairs of India, repugnant to the orders and instructious of the said Governor-General in Council, and not known to the said Governor-General and Council at the time of despatching their orders and instructions as aforesaid; and the said Governor-General in Council shall, at the time of transmitting all such orders and instructions, transmit therewith the dates of and the times of receiving the last despatches, orders, and instructions, which they have received from the Court of Directors, or from the said Secret Committee, by the direction of the said Board of Commissioners, on any of the points contained therein; and the said Presidencies, Governments, and Settlements, in all cases where they have received any orders from the said Court of Directors, or from the said Secret Committee by the direction of the Board of Commissioners as aforesaid, which they shall deem repugnant to the orders of the said Governor-General in Council of Fort William, and which were not known to the said Governor-General and Council at the time of despatching their orders and instructions as aforesaid, shall forthwith transmit copies of the same, together with an account of all instructions or orders made by them in consequence thereof, to the Governor-General in Council of Fort William, who shall, after the receipt of the same, despatch such further orders and instructions to the said Presidencies, and Governments or Settlements, as the said Governor-General in Council may judge necessary thereupon.(1)

Governor-General to send dates, &c., of despatches from England, on points contained in instructions to Presidencies, &c., who shall transmit to him copies of any orders they deem repugnant thereto.

(1) [See note on section 40 of this Act.]

War not to be declared, &c., by the Governor-General in Council at Fort William without the command of the Directors, &c., except preparations for hostilities shall be made, &c.

XLII. And forasmuch as to pursue schemes of conquest and extension of dominion in India are measures repugnant to the wish, the honour, and policy of this nation: be it further enacted, that it shall not be lawful for the Governor-General in Council of Fort William aforesaid, without the express command and authority of the said Court of Directors, or of the said Secret Committee by the authority of the said Board of Commissioners for the Affairs of India, in any case (except where hostilities have actually been commenced, or preparations actually made for the commencement of hostilities, against the British nation in India, or against some of the princes or states dependent thereon, or whose territories the said United Company shall be at such time engaged by any subsisting treaty to defend or guarantee), either to declare war or commence hostilities, or enter into any treaty for making war against any of the country princes or states in India, or any treaty for guaranteeing the possessions of any country princes or states; and that in any such case it shall not be lawful for the said Governor-General and Council to declare war or to commence hostilities, or to enter into any treaty for making war against any other prince or state, than such as shall be actually committing hostilities, or making preparations as aforesaid, or to make such treaty for guaranteeing the possessions of any prince or state, but upon the consideration of such prince or state actually engaging to assist the Company against such hostilities commenced, or preparations made as aforesaid; and in all cases where hostilities shall be commenced, or treaty made, the said Governor-General and Council shall, by the most expeditious means they can devise, communicate the same unto the said Court of Directors, or to the said Secret Committee, together with a full state of the information and intelligence upon which they shall have commenced such hostilities, or made such treaties, and their motives and reasons for the same at large.

Communication of hostilities, &c., to be made to the Directors, &c.

Governments of Fort St. George or Bombay not to declare war, &c., but by orders from Fort William, or the Directors, &c.

XLIII. And be it further enacted, that it shall not be lawful for the Governors and Counsellors of Fort Saint George and Bombay, or of any other subordinate settlement, to make or issue any order for commencing hostilities, or levying war, or to negotiate or conclude any treaty of peace, or other treaty, with any Indian prince or state (except in cases of sudden emergency or imminent danger, when it shall appear dangerous to postpone such hostilities or treaty), unless in pursuance of express orders from the said Governor-General in Council of Fort William aforesaid, or from the said Court of Directors, or from the said Secret Committee by the authority of the said Board of Commissioners for the Affairs of India; and every such treaty shall, if possible, contain a clause for subjecting the same to the ratification or rejection of the Governor-General in Council of Fort William aforesaid: and the said Governors and Counsellors, and other officers of the said Presidencies of Fort Saint George and Bombay, or other settlements respectively, are hereby required to pay and yield obedience to all such orders as they shall from time to time respectively receive from the said Governor-General in Council of Fort William aforesaid, concerning the matters aforesaid: and that all and singular the said Governors, Counsellors, and other officers, who shall refuse or wilfully neglect or forbear to pay obedience to such orders and instructions as they shall receive from the said Governor-General in Council of Fort William as aforesaid, shall be liable to be removed, dismissed, or suspended from the exercise of their respective offices or powers by order of the said Governor-General in Council of Fort William, and be sent to England, and be subject to such further pains and penalties as are or shall be provided by law in that behalf. (1)

Penalty on Governors, &c., of Fort St. George and Bombay for neglect of orders from Fort William.

(1) [See note on section 40.]

Presidencies of Fort St. George, &c., to

XLIV. And be it further enacted, that the Governors and Counsellors of the said Presidencies of Fort Saint George and Bombay respectively for the time being, and the

send to Fort William copies of all their orders, &c.

Governors and Counsellors, or other chief officer or officers of and belonging to any other British settlement in India, shall and they are hereby respectively required, constantly and diligently to transmit to the said Governor-General in Council at Fort William aforesaid, true and exact copies of all orders, resolutions, and acts in council of their respective Governments, Presidencies, and Councils, and also advice and intelligence of all transactions and matters which shall come to their knowledge, material to be communicated to the Governor-General in Council of Fort William aforesaid, or which the said Governor-General in Council shall from time to time require. (1)

(1) [*Vide* 13 Geo. 3, cap. 63, sec. 9, and 3 & 4 Wm. 4, cap. 85, sec. 68.]

Governor-General of Fort William may issue warrants for securing suspected persons.

XLV. And be it further enacted, that it shall and may be lawful for the Governor-General of Fort William aforesaid for the time being to issue his warrant under his hand and seal, directed to such peace officers and other persons as he shall think fit, for securing and detaining in custody any person or persons suspected of carrying on, mediately or immediately, any illicit correspondence dangerous to the peace or safety of any of the British settlements or possessions in India, with any of the princes, rajahs, or zemindars, or any other person or persons having authority in India, or with the commanders, governors, or presidents of any factories established in the East-Indies, by any European power, or any correspondence contrary to the rules and orders of the said Company, or of the Governor-General in Council of Fort William aforesaid; and if, upon examination taken upon oath, in writing, of any credible witness or witnesses before the Governor-General in Council of Fort William aforesaid, there shall appear reasonable grounds for the charge, the said Governor-General shall be, and is hereby authorized and empowered to commit such person or persons so suspected or accused to safe custody, and shall within a reasonable time, not exceeding five days, cause to be delivered to him or them a copy of the charge or accusation on which he or they shall have been committed, and that the party or parties accused shall be permitted to deliver in his or their defence in writing, together with a list of such witnesses as he or they shall desire to be examined in support thereof, and that such witnesses, and also the witness or witnesses in support of the charge, shall be examined and cross-examined on oath, in the presence of the party accused, and their depositions and examinations taken down in writing; and if, notwithstanding such defence, there shall appear to the said Governor-General in Council reasonable grounds for the charge or accusation, and for continuing the confinement, the party or parties accused shall remain in custody until he or they shall be brought to trial in India, or sent to England for that purpose: and that all such examinations and proceedings, or attested copies thereof, under the seal of the Supreme Court of Judicature at Fort William, or of one of the Mayor's Courts, shall be transmitted to the said Court of Directors by the first despatches, in order to their being produced in evidence on the trial of the parties, in the event of their being sent for trial to Great Britain; and in case such person or persons is or are intended to be sent to England, the said Governor-General shall and he is hereby required to cause such person or persons to be sent to England by the first convenient opportunity, unless such person or persons shall be disabled by illness from undertaking the voyage; in which case he or they shall be sent as soon as his or their state of health will safely admit thereof: and that the examinations and proceedings so transmitted as aforesaid shall be admitted and received as evidence in all courts of law, subject to any just exceptions to the competency of the said witnesses.

Proceedings to be had where reasonable grounds for the charge shall appear against such persons.

XLVI. And be it further enacted, that the several Governors or Governors in Council of Fort Saint George and Bombay shall have the like powers, under and subject to the same regulations and restrictions, to secure and detain persons suspected of any such illicit correspondence as aforesaid, within their respective presidencies and settlements, and of sending them to England for trial, as are hereby given to the said Governor-General or Governor-General in Council of Fort William respectively.

Governors of Fort St. George and Bombay to have the like powers with respect to suspected persons as the Governor-General.

XLVII. And whereas it will tend greatly to the strength and security of the British possessions in India, and give energy, vigour, and despatch to the measures and proceedings of the executive government within the respective presidencies, if the Governor-General of Fort William in Bengal, and the several Governors of Fort Saint George and Bombay, were vested with a discretionary power of acting without the concurrence of their respective Councils, or forbearing to act, according to their opinions, in cases of high importance, and essentially affecting the public interest and welfare, thereby subjecting themselves personally to answer to their country for so acting, or forbearing to act: be it enacted, that when and so often as any measure or question shall be proposed or agitated in the Supreme Council at Fort William in Bengal, or in either of the Councils of Fort Saint George and Bombay, whereby the interests of the said United Company, or the safety or tranquillity of the British possessions in India, or any part thereof, are, or may, in the judgment of the Governor-General, or of the said Governors respectively, be essentially concerned or affected, and the said Governor-General, or such Governors respectively, shall be of opinion that it will be expedient either that the measures so proposed or agitated ought to be adopted or carried into execution, or that the same ought to be suspended or wholly rejected, and the several other members of such Council then present shall differ in and dissent from such opinion, the said Governor-General or such Governor, and the other members of the Council, shall, and they are hereby directed forthwith mutually to exchange with and communicate in Council to each other, in writing under their respective hands (to be recorded at large on their secret consultations) the respective grounds and reasons of their respective opinions; and if, after considering the same, the said Governor-General, or such Governor respectively, and the other members of the said Council, shall severally retain their opinions, it shall and may be lawful to and for the said Governor-General in the Supreme Council of Fort William, or either of the said Governors in their respective Councils, to make and declare any order (to be signed and subscribed by the said Governor-General, or by the Governor making the same) for suspending or rejecting the measure or question so proposed or agitated, in part or in the whole, or to make and declare such order and resolution for adopting and carrying the measure so proposed or agitated into execution, as the said Governor-General, or such Governors in their respective Councils, shall think fit and expedient; which said last-mentioned order and resolution, so made and declared, shall be signed as well by the said Governor-General, or the Governor so making and declaring the same, as by all the other members of the Council then present, and shall by force and virtue of this Act be as effectual and valid, to all intents and purposes, as if all the said other members had advised the same, or concurred therein; and the said members of Council, and all officers, civil and military, and all other persons concerned, shall be and they are hereby commanded, authorized, and enjoined to be obedient thereto, and to be aiding and assisting in their respective stations in the carrying the same into execution.

Governor-General, or Governors, may order measures proposed in Council about which they differ from the other members to be adopted or suspended, &c.

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 49.]

Governor - General, &c., making any order without the consent of the Council, responsible for the same;

XLVIII. And be it further enacted, that the Governor-General, or Governor, who shall declare and command any such order or resolution to be made and recorded without the assent or concurrence of any of the other members of Council, shall alone be held responsible for the same, and the consequences thereof. (1)

(1) [See Act and section referred to in note on sec. 47 of this Act.]

but not to make any order which could not have been made with the consent of the Council.

XLIX. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to give power to the said Governor-General of Fort William in Bengal, or to either of the said Governors of Fort Saint George and Bombay respectively, to make or carry into execution any order or resolution which could not have been lawfully made and executed with the concurrence of the Councils of the respective governments or presidencies, any thing herein contained to the contrary notwithstanding.

No person to act without the concurrence of the Council, on whom the office of Governor-General or Governor shall devolve by death, unless provisionally appointed.

L. Provided also, and be it further enacted and declared, that nothing in this Act contained shall extend, or be construed to extend, to give any discretionary power of acting, or forbearing to act, without the concurrence of the other members of Council, unto any person on whom the said office of Governor-General or the said office of Governor respectively, shall happen to devolve by the death or resignation of any Governor-General, or Governor for the time being respectively, or unto any Deputy Governor-General, unless such person shall have been provisionally appointed to succeed to such respective office by the said Court of Directors, or unless and until such person shall have been or shall be confirmed in the said office; and that in the mean time all orders, resolutions, and other acts and things in such presidency, shall be determined by the voice of the major part in number of the Governor-General and Counsellors, or Governor and Counsellors present at the making or doing thereof, such Governor-General or Governor having on any equality of voices a casting vote, and not otherwise, or in any other manner; any thing in this Act contained to the contrary notwithstanding. (1)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 62.]

Governor - General, &c., not to carry into execution any order against the opinion of the Council in certain cases;

LI. Provided also, and be it further enacted, that nothing herein contained shall be construed to give power or authority to the Governor-General of Fort William in Bengal, or either of the Governors of Fort Saint George and Bombay respectively, to make or carry into execution any order or resolution against the opinion or concurrence of the Counsellors of their respective governments, in any matter which shall come under the consideration of the said Governor-General, and Governors in Council respectively, in their judicial capacity; or to make, repeal, or suspend any general rule, order, or regulation for the good order and civil government of the said United Company's settlements; or to impose, of his own authority, any tax or duty within the said respective governments or presidencies.(1)

(1) [With regard to the subordinate presidencies, it must be recollected that the Governments of those presidencies have no longer the power of legislation.]

Section 52 provided that when the Governor-General should visit either of the subordinate presidencies, the powers of the Governor of such subordinate presidency should for the time be suspended. But

by 3 & 4 Wm. 4, cap. 85, sec. 67, it is enacted that those powers should not by reason of such visit be suspended.

Section 53 provides that when the Governor-General should be absent from his own Government of Bengal, a member of the Council of that presidency, nominated by the Governor-General, should be Vice-President and Deputy-Governor of Fort William. This it has been thought unnecessary to insert, inasmuch as by 3 & 4 Wm. 4, cap. 85, sec. 70, the Governor-General of India in Council may nominate some member of the Council of India to exercise the powers of the Governor-General in assemblies of the said Council, during his absence, under the title of President; and by 16 & 17 Vict. cap. 95, sec. 16, power is given to the Court of Directors to declare that the Governor-General of India shall not be Governor of Fort William, and thereupon a Governor of that presidency is to be appointed in the usual way; or authority may be given to the Governor-General in Council to appoint a servant of ten years' standing to be Lieutenant-Governor of such part of the presidency of Fort William as may not, at the time, be under the Lieutenant-Governor of the North-Western Provinces. The latter measure has been carried out.

LIV. And be it further enacted, that if the said Governor-General, during his absence from his own government of Bengal, shall judge it necessary to issue any orders or directions to any of the said Governments or Presidencies in India, or to any of the officers or servants of the said Company acting under the authority of any of the said Presidencies, without previously communicating such orders or instructions to the said respective Governments, under the authority of which such officers or servants shall be acting, it shall and may be lawful for him to issue the same, and that the said respective Governments or Presidencies, and also such officers and servants, shall, and they are hereby severally and respectively authorized and required to obey the same; and such orders and instructions shall be of the same force as if the same had been made by the said Governor-General in Council at Fort William, but not of any greater or other force or validity; and that if such orders or directions shall be made by the said Governor-General of his own sole authority, or without the concurrence of the other members of Council of either of the said presidencies of Fort Saint George and Bombay respectively, in that case the said Governor-General shall be alone held responsible for the same, in the like manner as for any orders or resolutions by him made in Council at Fort William, of his own sole authority, without the concurrence of the other members of the same Council, according to the directions and true intent and meaning of this Act: provided always, that such Governor-General shall and he is hereby required to transmit by the first opportunity, to the Governors and Councils of the respective presidencies to which the officers, or servants to whom any such orders or instructions shall be so sent to be executed shall belong, copies of such orders and instructions respectively, with his reasons or inducements for issuing the same, and also to transmit to the Court of Directors of the said Company, by the first opportunity that shall or may occur, a copy of all orders and instructions

but while absent may issue orders to the officers and servants of the other presidencies, &c.

by him so sent to any of the said Governments, Presidencies, officers, or servants respectively, together with his reasons and inducements for sending or issuing the same.

Directors, with the approbation of the Board, may suspend the powers of the Governor-General to act upon his own authority.

LV. Provided also, and be it further enacted, that it shall and may be lawful for the Court of Directors of the said Company, with the approbation of the Board of Commissioners for the Affairs of India, to suspend all or any of the powers hereby given to the Governor-General of Fort William to act upon his own sole authority, at and for such time or times as they may judge expedient or necessary, and that the same shall be suspended accordingly, from the time of the arrival of their orders for that purpose in India; and also for the said Court of Directors, with such approbation as aforesaid, to revive the said powers, when and as they shall think fit; any thing herein contained to the contrary notwithstanding.

Civil servants to have precedency according to their appointments, &c.

LVI. And, for establishing a just principle of promotion amongst the covenanted servants of the said United Company in India on their civil establishment, and preventing all undue supersessions, be it further enacted, that all the civil servants of the said United Company in India, under the rank or degree of members of Council, shall have and be entitled to precedence in the service of the said Company, at their respective stations, according to their seniority of appointment; and no such civil servant or servants shall be capable of being advanced or promoted to any higher station, rank, or degree therein, than he or they shall be respectively entitled to according to the length of his or their service respectively; any law or usage to the contrary notwithstanding.

Regulations for filling up vacancies in the civil line.

LVII. And be it further enacted, that all vacancies happening in any of the offices, places, or employments in the civil line of the Company's service in India (being under the degree of Counsellor) shall be from time to time filled up and supplied from amongst the civil servants of the said Company, belonging to the presidency wherein such vacancies shall respectively happen, subject only to the restrictions in this Act contained, and no otherwise; (that is to say), that in the filling up and supplying such vacancies, no office, place, or employment, the salary, perquisites, and emoluments whereof shall exceed five hundred pounds per annum, shall be conferred upon or granted to any of the said servants who shall not have been actually resident in India as a covenanted servant of the said Company for the space of three years at the least in the whole, antecedent to such vacancy.(1) * * *

(1) [The remainder of this section is omitted, as the period of qualification for the higher salaries has been varied by more recent legislation. By 53 Geo. 3, cap. 155, sec. 82, it is fixed at four years for a salary exceeding £1,500: at seven years for a salary exceeding £3,000; at ten years for a salary exceeding £4,000; which last term (ten years) in service, either civil or military, also forms the qualification for a seat in Council, by 3 & 4 Wm. 4, cap. 85, sec. 40; for the appointment of Lieutenant-Governor of the North-West Provinces, by 5 & 6 Wm. 4, cap. 52; for that of Lieutenant-Governor of Fort William, by 16 & 17 Vict. cap. 95, sec. 16; and by section 22 of the Act last quoted, for the office of Legislative Councillor thereby created. By 3 & 4 Wm. 4, cap. 85, sec. 40, no previous service is required from the fourth ordinary member of the Council of India, but it is expressly required that he shall be selected

from persons not servants of the Company. By 47 Geo. 3, cap. 68, sec. 7, and 10 Geo. 4, cap. 16, sec. 2, the time spent at Haileybury is, under certain circumstances, to be reckoned as time spent in India, with reference to eligibility to office or salary.]

LVIII. And be it further enacted, that no person shall for the future be capable of taking, in the civil line of the Company's service, two or more offices, places, or employments, the joint amount of the salaries, perquisites, and emoluments of which shall exceed in the whole the annual salary, perquisites, and emoluments, respectively hereinbefore in that behalf prescribed, any law or usage to the contrary notwithstanding.

No person to hold two offices, the salaries of which amount to more than the prescribed sum.

LIX. And be it further enacted, that it shall not be lawful for the Court of Directors of the said Company to appoint or send out to India a greater number of persons in the capacity of cadets or writers, or in any other capacity, than will be necessary, in addition to those already in India, to supply the proper complement of officers and servants contained in the said list of their establishments, according to such returns of vacancies as the respective Governments in India shall transmit from thence to the said Court of Directors. (1)

Directors not to send out more persons than necessary to supply the complement of the establishment.

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 103.]

LX. And be it further enacted, that no person shall be capable of acting, or being appointed or sent to India, in the capacity of writer or cadet, whose age shall be under fifteen years, or shall exceed twenty-two years (1), nor until the person proposed, or intended to be so appointed, shall have delivered to the said Court of Directors a certificate of his age, under the hand of the minister of the parish in which he was baptized, or keeper of the registry of baptism of such parish ; and if no such registry can be found, an affidavit of that circumstance shall be made by the party himself, with his information and belief that his age is not under fifteen years, and doth not exceed twenty-two years (1) : provided, nevertheless, that the said restriction shall not extend to prevent the said Court of Directors from appointing any person to be a cadet who shall have been for the space of one year at least a commissioned officer in his Majesty's service, or in the militia or fencible men when embodied, and hath been called into actual service, or from the company of cadets in the royal regiment of artillery, and whose age shall not exceed twenty-five years.

Writers and cadets to be of certain ages, &c.

(1) [Extended, as to writers, to twenty-three years, by 7 Wm. 4 & 1 Vict. cap. 70, secs. 4 and 5.]

LXI. And for preventing the abuses which have formerly prevailed in the collection and receipt of the revenues of the said territories and acquisitions in India, be it further enacted, that every person (being a British-born subject) who is or shall be appointed or authorized to collect, manage, control, or receive the rents, duties, or revenues, of and belonging and due and payable to the said Company in India, shall, before he enters upon the collection and receipt thereof, take and subscribe the following oath, which oath the Chief Justice, or one of the puisne Judges of the Supreme Court of Judicature at Bengal, or the Mayor or other magistrate in any of the other presidencies or settlements, or such other person as shall be deputed or authorized by any order in Council of any of the said presidencies in that behalf, shall and is hereby authorized and commanded to administer: and such oath so administered shall be recorded in the Supreme Court of Calcutta, or in one of the said provincial or Mayor's Courts ; (that is to say,)—

British-born subjects appointed to receive rents, &c., to take an oath.

The oath.

"I, *A. B.*, do promise and swear, that I will, to the utmost of my endeavours, well and "faithfully execute and discharge the duties of an officer of revenue, reposed in and com-"mitted to me by the United Company of Merchants of England trading to the East-"Indies; and that I will not demand, take, or accept, directly or indirectly, by myself "or by any other person for my use, or on my behalf, of or from any Rajah, Zemindar, "Talookdar, Polygar, Farmer, Renter, or Ryot, or from any person paying or liable to "pay any tribute, rent, or tax, to or for the use of the said United Company, any sum "of money or other valuable thing by way of gift, present, or otherwise, over and above "or besides and except the actual tribute, rent, or tax, authorized to be taken by and for "the use of the said United Company; and that I will justly and truly account for, "answer, and pay, all the rents, duties, and other revenues and sums of money which shall "come to my hands, or to the hands of any person or persons in trust for or employed "by me, as an officer of the revenues of the said Company, unto the said United "Company.

"So help me God."

Receiving gifts to be deemed a misdemeanor.

LXII. And be it further enacted, that the demanding or receiving any sum of money, or other valuable thing as a gift or present, or under colour thereof, whether it be for the use of the party receiving the same, or for, or pretended to be for, the use of the said Company, or of any other person whatsoever, by any British subject holding or exercising any office or employment under his Majesty, or the said United Company in the East-Indies, shall be deemed and taken to be extortion and a misdemeanor at law, and shall be proceeded against and punished as such, under and by virtue of this Act; and the offender shall also forfeit to the King's Majesty, his heirs and successors, the whole gift or present so received, or the full value thereof. (1)

(1) [See 13 Geo. 3, cap. 63, secs. 23 and 24; and 3 & 4 Wm. 4, cap. 85, sec. 76.]

The Court may order gifts to be restored, and fines to be given to the prosecutor.

LXIII. Provided always, and be it further enacted, that the Court or Jurisdiction before whom any such offence shall be tried, shall have full power and authority to direct the said present or gift, or any part thereof, to be restored to the party who gave the same, or to order the whole, or any part thereof, or of any fine which the Court shall set on the offender, to be paid or given to the prosecutor or informer, as such Court in its discretion shall think fit.

Counsellors at law, &c., may take fees in their professions.

LXIV. Provided always, and be it enacted, that nothing herein contained shall extend, or be construed to extend, to prohibit or prevent any person exercising the profession of counsellor at law, physician, or surgeon, or any chaplain, from accepting, taking, or receiving fees, gratuities, or rewards (*bonâ fide*) in the way of his profession only. (1)

(1) [See 13 Geo. 3, cap. 63, sec. 25.]

Neglect to execute the orders of the Directors, &c., to be deemed a misdemeanor;

LXV. And be it further enacted, that the wilfully disobeying, or the wilful omitting, forbearing, or neglecting to execute the orders or instructions of the Court of Directors of the said Company, by any Governor-General, Governor, President, Counsellor, or Commander-in-chief, or by any other of the officers or servants of the said United Company in the East-Indies (unless in cases of necessity, the burthen of the proof of which necessity shall lie on the party so disobeying, or omitting, or forbearing to execute such orders and instructions as aforesaid), and every wilful breach of the trust and duty of any office or employment, by

any such Governor-General, Governor, President, Counsellor, or Commander-in-chief, or by any of the officers or servants of the said United Company in the East-Indies, shall be deemed and taken to be a misdemeanor at law, and shall or may be proceeded against and punished as such by virtue of this Act. (1)

(1) [See 3 & 4 Wm. 4, cap. 85, sec. 80.]

LXVI. And be it further enacted, that the making or entering into, or being a party to any corrupt bargain or contract, for the giving up, or for obtaining, or in any other manner touching or concerning the trust and duty of any office or employment under the Crown, or the said United Company in the East-Indies, by any British subject whomsoever there resident, shall be deemed and taken to be a misdemeanor at law, and shall be proceeded against and prosecuted as such by virtue of this Act.

as also any corrupt bargain for giving up or obtaining any employment.

LXVII. And be it further enacted, that all his Majesty's subjects, as well servants of the said United Company as others, shall be and are hereby declared to be amenable to all Courts of Justice, both in India and Great Britain, of competent jurisdiction to try offences committed in India, for all acts, injuries, wrongs, oppressions, trespasses, misdemeanors, offences, and crimes whatever, by them or any of them done or to be done, or committed, in any of the lands or territories of any native prince or state, or against their persons or properties, or the persons or properties of any of their subjects or people, in the same manner as if the same had been done or committed within the territories directly subject to and under the British Government in India.

His Majesty's subjects amenable to Courts of Justice in India and Great Britain for offences in the territories of native princes.

LXVIII. And be it further enacted, that it shall not be lawful for the said United Company, or for any of their officers or servants, or for the Court of Directors of the said Company, to discontinue, stay, or compound, or settle or agree any actions or suits at law or equity now depending, or hereafter to be commenced, before a final decree or judgment shall be obtained or given therein, unless by and with the approbation of the Board of Commissioners for the Affairs of India, for that purpose in writing first had and obtained; and that all compositions and agreements made for any of the purposes aforesaid by the Court of Directors of the said Company, with the approbation of the said Board, shall be valid and effectual in that behalf, any thing herein or in any other Act or Acts contained to the contrary notwithstanding.

No action to be stayed without the approbation of the Board.

LXIX. And be it further enacted, that after sentence or judgment of any Court having competent jurisdiction, whether in Great Britain or in India, against any Governor-General, Governor, President, Counsellor, or Commander-in-chief, or against any of the said United Company's servants, civil or military, for any debts or penalty due or belonging to the said United Company, or for any extortion or other misdemeanor, it shall not be lawful for the said United Company in any case whatever to release or compound such sentence or judgment, or to restore any servant or servants of the said Company who shall have been removed or dismissed from his or their office or employment for or on account of misbehaviour by the sentence of any of the said Courts. (1)

Company not to release sentences or restore servants dismissed by sentences.

(1) [By 51 Geo. 3, cap. 75, secs. 4 and 5, it is declared that the above does not extend to the case of military officers dismissed or

suspended from the service by sentence of court-martial, but that such may, with the approbation of the Board, be restored.]

No person, under the degree of a member of Council or Commander-in-chief, who shall not return to India within five years from his leave to depart, shall be entitled to rank, &c., except as herein provided.

LXX. And be it further enacted, that no person who shall have held any civil or military station whatever in India in the service of the said United Company, being under the rank or degree of a member of Council or Commander-in-chief of the forces, and who, having departed from India, by leave of the Governor-General in Council, or Governor in Council, shall not return to India within the space of five years next after such departure, shall be entitled to any rank or restoration of office, or be capable of again serving in India, either in the European or native corps of troops, or in the civil line of the Company's service, unless in the case of any civil servant of the Company it shall be proved to the satisfaction of the Court of Directors that such absence was occasioned by sickness or infirmity, or unless such person be permitted to return with his rank to India by a vote or resolution passed by way of ballot by three parts in four of the proprietors assembled in General Court, especially convened for that purpose, whereof eight days' previous notice of the time and purpose of such meeting shall be given in the *London Gazette*, or unless, in the case of any military officer, it shall be proved to the satisfaction of the said Court of Directors, and the Board of Commissioners for the Affairs of India, that such absence was occasioned by sickness or infirmity, or some inevitable accident.

Section 71 secured to the Company the exclusive trade, subject to a subsequent proviso for its determination.

Section 72 provided that the Company should at all times thereafter, subject as above, enjoy all the benefits of previous Acts and Charters, except as by this Act repealed, varied, or altered.

Section 73 contains a proviso for the termination of the exclusive trade, upon three years' notice.

Section 74 provided, that after the termination of the exclusive trade, the Corporation should have the right to trade in common with other subjects of the Crown ; but the exercise of its trade is suspended by 3 & 4 Wm. 4, cap. 85. Section 75 regulates the mode of Parliamentary notice to the Company. Sections 76 to 106 relate to trade ; sections 107 to 122 to financial matters of temporary interest. Section 123 provides that the appropriations made by this Act (33 Geo. 3, cap. 52) shall not affect the rights of the Company or the public as to the territory or the revenue, beyond the term of the exclusive trade granted by the Act. Section 124 relates to the appropriation of certain monies, and has at this time no interest or importance. It may here be observed, that the latest enactments for the disposition of the revenues of India will be found in the 3 & 4 Wm. 4, cap. 85.

CXXV. And whereas, for protecting the funds of the said Company during their further term in the said exclusive trade from being burthened with any improper charges, it is expedient that the said Company should be put under reasonable limitations in respect to the granting of pensions, or increasing the salaries of their officers and servants, or creating new establishments; be it further enacted, that no grant or resolution of the said Company, or their Court of Directors, to be made after the passing of this Act, and during the continuance of their right in the said exclusive trade,(1) whereby the said funds may become chargeable with any new salary or increase of salary, or any new or additional establishment of officers or servants, or any new pension, or increase of pension, to any one person, exceeding two hundred pounds per annum, shall be available in law, unless such grant or resolution shall be approved and confirmed by the Board of Commissioners for the Affairs of India, attested under the hand of the President of the said Board. No grant of new salaries, &c., above £200 to be good, unless confirmed by the Board.

(1) [The exclusive trade with India terminated in 1814; that with China in 1834; but the 53 Geo. 3, cap. 155 (sec. 2), continued for the term thereby granted, all enactments, provisions, matters and things contained in the 33 Geo. 3, cap. 52, and in any other Acts limited to the term granted by the said Act of the 33 Geo. 3, so far as they were in force and not repealed by or repugnant to the 53 Geo. 3, cap. 155; and by the 3 & 4 Wm. 4, cap. 85, sec. 2, all enactments, &c., of former Acts limited to the term granted by 53 Geo. 3, cap. 155, are continued, so far as they were in force at the time of passing the new Act (3 & 4 Wm. 4, cap. 85), and were not repealed thereby or repugnant thereto. By 53 Geo. 3, cap. 155, sec. 88, and 55 Geo. 3, cap. 64, the approval of the Board is required to give effect to gratuities exceeding £600. By 3 & 4 Wm. 4, cap. 85, sec. 37, it is enacted that an estimate is to be submitted to the Board, of the sum required for the home establishment, and incidental expenses of the East-India Company; which sum, when approved in the gross, is to be applied at the discretion of the Court of Directors, free from any interference of the Board. All expenditure beyond this sum, including salaries, gratuities, and allowances, is subject to the general rule of superintendence by the Board. See section 25 of the above Act, 3 & 4 Wm. 4, cap. 85.]

CXXVI. And be it further enacted, that the Court of Directors of the said Company shall, within the first fourteen sitting days next after the thirtieth day of March in every year, lay before both Houses of Parliament an account, made up according to the latest advices which shall have been received, and with as much accuracy as the nature of the case will admit, of the annual produce of the revenues of the British territories in India, distinguishing the same under the respective heads thereof at each of their several presidencies or settlements, with the amount of their sales of goods and stores within the limits of their exclusive trade, and of all their annual disbursements within the said limits, distinguishing the same under the respective heads thereof, together with the latest estimate of the same; Directors to lay before Parliament yearly certain accounts.

and also the amount of their debts abroad, with the rates of interest they respectively carry, and the annual amount of such interest; the state of their effects at each presidency or settlement, and in China, consisting of cash and bills in their treasuries, goods and stores, and debts owing to the said Company, according to the latest advices which shall have been received thereof; and also a list of their several establishments in India, and other parts within the limits of their exclusive trade, and the salaries and allowances payable by the said Company in respect thereof: and also another annual account, made up to the first day of March next preceding the delivery thereof to Parliament, containing the amount of the proceeds of the sale of the goods and merchandises of the said Company in Great Britain, and of their commercial and other receipts, charges, and payments in Great Britain, under the several heads thereof, together with an estimate of the same for the current year, and a statement of their bond debts and simple contract debts, with the rates of interest they respectively carry, and the amount of such interest, and the state of the cash remaining in their treasury, and other effects appertaining to the Company in Great Britain, or afloat; and if any new or increased salaries, establishments, or pensions, payable in Great Britain, shall have been granted or created within the preceding year, the particulars thereof shall be specially stated and inserted at the foot of such account.(1)

(1) [By 54 Geo. 3, cap. 36, sec. 55, the accounts were to be made up to the 1st of May, and presented to Parliament within the first fourteen sitting days after that period. By 3 & 4 Wm. 4, cap. 85, sec. 116, the accounts are to be presented within the first fourteen sitting days after the 1st of May, and to be made up according to the latest advices. By that Act also, some changes are made in the particulars of the required accounts, adapting them to the altered circumstances of the Company, all relating to trade being omitted.]

Section 127 provides for the reciprocal discharge of the Crown and the Company in respect of certain accounts between them, up to the 24th December, 1792. A similar arrangement to a later date was effected by 3 Geo. 4, cap. 93.

Among other matters in the settlement above referred to, was that of military charges. The subsequent provision for these is the subject of the following section.

From December 24, 1792, expenses of such troops to be repaid by the Company.

CXXVIII. And be it further enacted, that from the said twenty-fourth day of December, one thousand seven hundred and ninety-two, all sums issued by the said Paymaster-general of his Majesty's forces, for and on account of his Majesty's forces serving in India, or for raising and supplying recruits for the same, shall be repaid by the said Company; and that the actual expenses only which since the said twenty-fourth day of December, one thousand seven hundred and ninety-two, have been, or which hereafter shall be incurred for the support and maintenance of the said troops, shall be borne and defrayed by the said Company; any clause or provision contained in the said recited Act of the twenty-first year of his Majesty, or any other Act or Acts to the contrary notwithstanding. (1)

(1) [*Vide* note on 28 Geo. 3, cap. 8, sec. 2.]

Sections 129 to 136 contained penal enactments against persons trading, and provisions for the confiscation of their ships and goods.

CXXXVII. And be it further enacted, that it shall not be lawful for any Governor-General or Governor, or any Member of Council of the said presidencies in India, to be concerned in any trade or traffic whatever, except on account of the said Company; nor for any collector, supervisor, or other person employed or concerned in the collection of the revenues, or the administration of justice in the provinces of Bengal, Bahar, and Orissa, or either of them, or their agents or servants, or any person or persons in trust for them, or any of them, to carry on or be concerned in or to have any dealings or transactions, by way of traffic or trade, at any place within any of the provinces in India, or other parts, or to buy any goods, and sell the same again, or any part thereof, at the place where he or they bought the same, or at any other place within the same province, or any other such province or country respectively, except on account of the said Company; nor shall it be lawful for any of the Judges of the Supreme Court of Judicature to be concerned in any trade or traffic whatever (1); nor shall it be lawful for any of his Majesty's subjects in the said provinces to engage, intermeddle, or be in anywise concerned, directly or indirectly, in the inland trade in salt, betel-nut, tobacco, or rice, except on the account of the said Company, or with their permission, on pain of forfeiting all such goods or commodities which they, or any of them, shall so buy and sell again, by way of traffic, or in which any of them shall so trade, and also treble the value thereof, one moiety to the said United Company, and the other moiety to him or them who will sue for the same.

No Governor-General, &c., to trade, except on account of the Company.

No Judge to be concerned in any trade.

No person whatever to be concerned in the inland trade in salt, &c. except with the Company's permission.

(1) [By Act of Government of India, No. 15 of 1848, no officer of any Court established by Royal Charter within the territories of the East-India Company, is to be concerned in any dealings as a banker, trader, agent, factor, or broker, except such as may be part of the duty of his office.]

Sections 138 and 139 relate to trade.

CXL. And be it further enacted, that all penalties, forfeitures, seizures, causes of seizure, crimes, misdemeanors, and other offences, which shall arise, or be incurred or made under or shall be committed against this Act, shall be sued for, prosecuted, examined, recovered, and adjudged in any of his Majesty's Courts of Record at Westminster, or in the Supreme Court of Judicature at Fort William in Bengal, or in one of the Mayor's Courts at Madras (1) or Bombay (1) respectively, in manner following; (that is to say,) all such pecuniary penalties, and all forfeitures of ships, vessels, merchandise, and goods, shall and may be sued for, condemned, and recovered by action, bill, suit, or information, wherein no essoin, protection, wager of law, or more than one imparlance, shall be granted or allowed; and all such seizures, whether of any person, or of any ships, vessels, merchandises, and goods, and all causes of such seizure, shall be cognizable in such actions, suits, or prosecutions, as shall bring into question or relate to the lawfulness or regularity of any such seizure; and all such offences as by this Act are not made punishable by pecuniary penalties, or by any forfeitures of goods, but by fine or imprisonment, or both, or are hereby created, without providing any particular punishment, shall be prosecuted by indictment or information as misdemeanors, for breach thereof, and shall be punished by fine or imprisonment, or both, at the discretion of the Court

How offences against this Act may be prosecuted, &c.

in which such prosecution shall by virtue of this Act be begun and carried on; and if such prosecution for a misdemeanor shall be in any of the said Courts in the East-Indies, and the person or persons prosecuted shall be there convicted, it shall be lawful for such Court to order, as part or for the whole of the punishment, any such person or persons to be sent and conveyed to Great Britain.

(1) [Both now Supreme Courts of Judicature.]

How actions shall be laid.

CXLI. And be it further enacted, that whenever any action, bill, suit, information, or indictment shall be brought or prosecuted in any of his Majesty's Courts of Record at Westminster, for any offence against this Act, whether for a penalty, forfeiture, or misdemeanor, the offence shall be laid or alleged to have been committed in the city of London or county of Middlesex, at the option of the informer or prosecutor; and all actions, bills, suits, informations, and indictments for any offence or offences against this Act, whether filed, brought, commenced, or prosecuted for a penalty or forfeiture, or for a misdemeanor, in any of his Majesty's Courts of Record at Westminster, or in the said Supreme Court, or any such Mayor's Court (1) as aforesaid, shall be brought and prosecuted within six years next after the offence shall be committed, and a *capias* shall issue in the first process; and in the case of an offence hereby made punishable by any penalty or forfeiture, such *capias* shall specify the sum of the penalty or forfeiture sued for; and the person or persons sued or prosecuted for such penalty shall, on such *capias*, give to the person or persons to whom such *capias* shall be directed sufficient bail or security, by natural-born subjects or denizens, for appearing in the court out of which such *capias* shall issue, at the day or return of such writ, to answer such suit or prosecution, and shall likewise, at the time of such appearance, give sufficient bail or security, by such persons as aforesaid, in the same court, to answer and pay all the forfeitures and penalties sued for, if he, she, or they shall be convicted of such offence or offences, or to yield his, her, or their body or bodies to prison; but if the prosecution shall be for any offence or offences against this Act, punishable only as a misdemeanor, then the person or persons against whom such *capias* shall issue, being thereupon arrested, shall be imprisoned and bailable according to law, as in other cases of misdemeanor.

Limitation of actions; and process.

(1) [See note on section 140.]

Sections 142 to 145 referred to legal proceedings against clandestine traders. By section 146 the following enactments of earlier date are repealed:—So much of 9 & 10 Wm. 3, cap. 44, as inflicts penalty or forfeiture for illegally trading to the East-Indies; the whole of the 5 Geo. 1, cap. 21, intended for the protection of the Company's trade, and all enactments continuing the same; so much of the 7 Geo. 1, cap. 21, as relates to the punishment of persons illegally trading to the East-Indies; the whole of the 9 Geo. 1, cap. 26, for preventing a subscription for an East-India Company in the Austrian Netherlands, and for protection of the lawful trade of his Majesty's subjects; so much of the 3 Geo. 2, cap. 14, and so much of 27 Geo. 2, cap. 17, as creates any penalty with reference to 7 Geo. 1, cap. 21, for the mode of suing, distributing, and recovering such penalty; so much of

10 Geo. 3, cap. 47, as subjects persons concerned in illicit trade to penalties; so much of 13 Geo. 3, cap. 63, asprovides for delivery by the Company of letters of advice to the Secretaries of State, or makes it unlawful for the Governor-General, the Members of Council of Bengal, the Chief Justice or Judges of the Supreme Court there, or Revenue Officers, to carry on trade, or prohibits dealing in salt, betelnut, tobacco, or rice, or restrains from trading free merchants, free mariners, or others whose covenants shall be expired; and so much of 21 Geo. 3, cap. 65, as prohibits lending money to Foreign Companies, or restrains the Court of Directors from stopping suits commenced for penalties thereby incurred; the whole of the 24 Geo. 3, sess. 2, cap. 25, excepting so much as relates to the debts of the Nabob of Arcot, redress to native landholders, and such parts as remained in force for the establishment of a Court of Judicature; the whole of 26 Geo. 3, cap. 16, excepting the repealing clauses; and so much of 26 Geo. 3, cap. 57, as makes offences against the law for securing the exclusive trade of the Company enforceable in the East-Indies. It will be observed, that the subjects of several of the repealed enactments form the matter of new enactments in this Act: as the interdiction of trade to the Governor-General, Governors, Members of Council, Judges of the Supreme Court, and Revenue Officers, and the limitation of the trade in salt, betelnut, tobacco, &c. See section 137. Section 147 provides that the repeal shall not extend to offences committed before the passing of this Act; section 148 that it should not affect the powers of the Board previously in existence, till a new Board should be appointed; section 149 that it should not affect the powers given by 28 Geo. 3, cap. 8, and 31 Geo. 3, cap. 10, concerning expenses of additional forces in the East-Indies; section 150, that it should not bar actions.

CLI. And whereas the Governor-General and the other members of the Supreme Council of Fort William in Bengal, and the Chief Justice and other Justices of the Supreme Court of Judicature at Fort William aforesaid, are at present the only persons authorized by law to act as Justices of the Peace within and throughout the provinces, districts, and countries of Bengal, Bahar, and Orissa; and the Governor or President, and the other members of the Council of Fort Saint George, on the coast of Coromandel; and the Governor or President, and the other members of the Council of Bombay, are the only persons authorized by law to act as Justices of the Peace in and for the presidency of Fort Saint George, and the presidency, island, town, and factory of Bombay, and the places belonging and subordinate to the said two last-mentioned presidencies respectively: And whereas, for preserving and maintaining the peace in the said provinces and presidencies aforesaid, and the places subordinate

thereto, it is expedient that a further number of persons should be appointed to act as Justices of the Peace in and for the same respectively: Be it therefore further enacted, that it shall and may be lawful to and for the Governor-General in Council of Fort William in Bengal for the time being, by commissions to be from time to time issued under the seal of the Supreme Court of Judicature there, in the name of the King's Majesty, his heirs and successors, tested in the name of the Chief Justice of the said Court (which said commissions the said Supreme Court of Judicature is hereby authorized and required from time to time, by any order or warrant from the said Governor-General in Council, to issue accordingly), to nominate and appoint such and so many of the covenanted servants of the said Company, or other British inhabitants, as the said Governor-General in Council shall think properly qualified to act as Justices of the Peace within and for the said provinces and presidencies, and places thereto subordinate respectively, and such persons shall, according to the tenor of the respective commissions wherein they shall be so nominated and appointed, and by virtue thereof, and of this Act, have full power and authority to act as Justices of the Peace, according to the tenor of the same commissions, wherein they shall be respectively named, in and for the provinces and presidencies aforesaid, and places subordinate thereto respectively; and the said Supreme Court, upon any requisition in writing from the said Governor-General in Council, shall and may from time to time supersede such commissions, and upon like requisition issue new commissions for the purposes aforesaid, unto the same or such other of the covenanted servants of the said Company, or other British inhabitants, as shall from time to time be so nominated by the said Governor-General in Council in that behalf, all which commissions shall be filed of record in the respective Courts of Oyer and Terminer, of the province, presidency, or place wherein and for which the same shall be issued as aforesaid:

Power given to the Governor-General in Council of Fort William, &c., to appoint Justices of the Peace.

Provided always, that the persons who shall be so nominated and appointed as aforesaid shall not be capable of holding any Court of Oyer and Terminer and Gaol Delivery, nor to sit in any such court, unless the Justices of the said court shall, on any particular occasion, call upon them so to do; in which case, and so often as the same shall happen, the persons so called upon shall and may for that time associate with them, and sit as Justices of the said Court of Oyer and Terminer and Gaol Delivery by virtue of this Act, and have a deliberative voice, being first specially authorized for that purpose by order in Council.(1)

Such Justices not to sit in Courts of Oyer and Terminer unless called upon.

(1) [The 47 Geo. 3, sess. 2, cap. 68, sec. 6, repeals so much of the above as authorizes the Governor-General in Council to appoint Justices of the Peace for Fort St. George or Bombay, that authority being given by section 5 to the Governor in Council of the respective presidencies. The 2 & 3 Wm. 4, cap. 117, sec. 1, removes the restriction as to British inhabitants, and renders eligible all persons not subjects of a foreign state. By Act of Government of India, No. 6 of 1845, the power of issuing separate commissions is given.]

No persons capable of acting as a Justice of the Peace till they have taken the requisite oaths.

CLII. Provided always, and be it further enacted, that no person to be nominated and appointed in and by any such commission as aforesaid shall be capable of acting as a Justice of the Peace in any of the said provinces or presidencies, until he shall have taken and subscribed in the Court of Oyer and Terminer of the province or presidency for which he shall be appointed to act as a Justice of the Peace, the like oaths as are appointed to be taken by Justices of the Peace in Great Britain, or as nearly to the tenor thereof as the case will admit, and as shall be approved by the said Court; the oath of qualification prescribed by

an Act of the eighteenth year of his late Majesty King George the Second, intituled, "An "Act to amend and render more effectual an Act passed in the fifth year of his present "Majesty's Reign, intituled, 'An Act for the Qualification of Justices of the Peace,'" only and always excepted.(1) 18 G. 2, c. 20.

(1) [By 53 Geo. 3, cap. 155, sec. 112, the oaths may be taken in any civil or criminal court of justice within the provinces in and for which the commission has issued, before any other Justice of the Peace. By Act of the Government of India, No. 16 of 1841, the oaths may be taken in any such court as above described, before the officer presiding therein, whether he be a Justice of the Peace or not. The 2 & 3 Wm. 4, cap. 117, sec. 1, which admits natives to the office, subjects all persons appointed to all the provisions of the law then existing, except as to the taking of oaths; but directs that they shall bind themselves by such oaths or solemn affirmations as may be prescribed by the Government.]

Proceedings of the Justices of the Peace may be removed by *certiorari* into the Court of Oyer and Terminer, &c.

CLIII. Provided always, and be it further enacted and declared, that all convictions, judgments, orders, and other proceedings, which shall be had, made, or pronounced by or before any Justice or Justices of the Peace within any of the British settlements or territories in India, out of the Court of Oyer and Terminer within and for the same, shall and may be removable by writ of *certiorari*, into the Court of Oyer and Terminer and Gaol Delivery of and for the same presidency, at the instance of any of the parties thereby affected or aggrieved, at any time within the space of six calendar months next after the making or pronouncing thereof respectively; and for that purpose it shall and may be lawful to and for any one or more of the Justices of the said Court of Oyer and Terminer and Gaol Delivery, and such Justice or Justices is and are hereby required, at the instance of such party or parties, to grant his fiat or warrant to the keeper of the rolls of the peace, or other proper officer, to award a writ of *certiorari* under the seal of the Supreme Court of Judicature, when the matter shall arise in Bengal, Bahar, or Orissa, or, if it shall arise in the presidency of Fort Saint George (1), or in the presidency of Bombay (1), or in any settlement or place subordinate thereto respectively, then under the seal of the Mayor's Court of the presidency wherein the matter shall so arise, or to which the cognizance thereof shall belong, for the removal and bringing of such conviction, judgment, order, or other proceeding into the said Court of Oyer and Terminer and Gaol Delivery, and that the said Court of Oyer and Terminer and Gaol Delivery shall have full power and authority to hear and determine the matter of such conviction, judgment, order, and other proceeding so removed, and to quash or affirm the same, so that the same be not quashed for want of form, but on the merits only, and to pronounce judgment thereon, in the like manner as the Court of King's Bench at Westminster can or may do upon convictions, judgments, orders, or other proceedings had or made by or before any Justices of the Peace, or Court of Quarter Sessions in England, removed or brought into the said Court of King's Bench by writ of *certiorari*.(2)

(1) [Mayors' Courts at both the subordinate presidencies have been superseded by Supreme Courts of Judicature.]

(2) [By Act of Government of India, No. 4 of 1843, an appeal lies from all sentences passed by Justices of the Peace, acting *without* the local limits of any of the Supreme Courts, to the same authority and subject to the same rules as are provided by the Regulations and Acts of Government in the case of sentences passed by Magistrates in the exercise of their ordinary jurisdiction; and cases so made the subject of appeal are not to be afterwards liable to revision by *certiorari.*]

Before granting writs of *certiorari*, recognizance to be entered into.

CLIV. Provided also, and be it enacted and declared, that before the granting of any such writ, the like recognizance shall be entered into, and the party or parties applying for such writ shall be put under the same terms and conditions, in all respects, as are by law directed and provided in the cases of writs of *certiorari* awarded or granted for the removal of any conviction, judgment, order, or other proceeding had or made by or before any Justice or Justices of the Peace in England into the said Court of King's Bench, or as by the usage and practice of the same Court hath been accustomed.

Justices of the Peace may sit in the Council of the Presidency to hear appeals.

CLV. And be it further enacted, that it shall and may be lawful for the Governor-General in Council of Fort William, or the Governors of Fort Saint George and Bombay, by any order to be made in their Councils respectively, to call any of the Justices of the Peace authorized in and by any such commission or commissions as aforesaid, to sit and associate with the said Governor-General in Council, or Governor in Council, for the more speedy hearing and determining of causes appealed; and that the said Justices shall, and they are hereby authorized and required, when so called upon, to act as Justices in the Court of Appeals accordingly, and to have and use deliberative voice in all proceedings upon such appeals.

Charter of Justice, dated 26th March, 1774, recited.

CLVI. And whereas, by the Charter of Justice under the Great Seal of Great Britain, bearing date the twenty-sixth day of March, in the fourteenth year of his present Majesty's reign, for establishing the Supreme Court of Judicature of Fort William in Bengal, his Majesty did grant, ordain, establish, and appoint, that the said Supreme Court of Judicature should be a Court of Admiralty, with power and authority to inquire, hear, try, examine, and determine, by the oaths of British subjects, all treasons, murders, piracies, robberies, felonies, maimings, forestallings, extortions, trespasses, misdemeanors, offences, excesses, and enormities, and maritime causes whatsoever, according to the laws and customs of the Admiralty of England, done, perpetrated, or committed upon the high seas, rivers, ports, creeks, harbours, and places overflown, within the ebbing and flowing of the sea and high-water mark, within, about, and throughout the provinces, countries, or districts of Bengal, Bahar, and Orissa, and the territories or islands adjacent thereto and dependent thereon; the cognizance whereof doth belong to the jurisdiction of the Admiralty, as the same is used and exercised in that part of Great Britain called England: And whereas doubts have arisen how far the jurisdiction of the said Supreme Court, in criminal matters, is limited by the said Charter to offences committed on the coasts of Bengal, Bahar, and Orissa, territories or islands respectively, within the ebbing and flowing of the sea and high-water mark: and inasmuch as it is essentially necessary that the Admiralty jurisdiction of the said Supreme Court of Judicature should extend to crimes and offences committed on the high seas at large: be it further enacted and declared, that the power and authority of the said Court,

Power given by recited Charter to the

granted to them by the said Charter of Justice, shall extend and be extended to the high seas, and that the said Court shall, by force and virtue of this Act, have full power and authority to inquire, hear, try, examine, and determine, by the oaths of honest and lawful men, being British subjects resident in the town of Calcutta, all treasons, murders, piracies, robberies, felonies, maimings, forestallings, extortions, trespasses, misdemeanors, offences, excesses, and enormities, and maritime causes whatsoever, according to the laws and customs of the Admiralty of England, done, perpetrated, or committed upon any of the high seas, and to fine, imprison, correct, punish, chastise, and reform parties guilty, and violators of the laws, in like and in as ample manner, to all intents and purposes, as the said Court might or could do if the same were done, perpetrated, or committed within the limits prescribed by the said Charter of Justice; and not otherwise, or in any other manner.

Supreme Court of Judicature, to extend to the high seas.

CLVII. And whereas it is expedient that coroners should be appointed for the settlements in India, for taking inquests upon view of the bodies of persons coming, or supposed to have come, to an untimely end: be it enacted, that the Governor-General in Council at Fort William, and the Governors in Council at Fort Saint George and Bombay, within their several presidencies and governments respectively, shall have full power and authority, by Orders in Council, from time to time to nominate and appoint so many coroners, being British subjects, as they shall respectively think fit, or as shall be limited by the Court of Directors of the said Company, and by like orders to supersede and remove the persons so appointed, as occasion may appear to require; and that the persons so nominated, and taking and subscribing, before one of the Judges of the Supreme Court of Judicature, or one of the Mayor's Courts, the like oaths as are directed to be taken by the coroners of counties in England, shall and may, by force of this Act, have, do, execute, perform, and exercise the like powers, authorities, and jurisdictions, within the presidency or settlement for which they shall be so respectively nominated and appointed, as by law may be had, done, executed, performed, or exercised by coroners elected for any county or place in England, and not otherwise, or in any other manner; and that such coroners shall have and be entitled unto such reasonable fees and allowances, for the performance of the duty of their said office, as shall be limited or prescribed by the said respective Governments in that behalf.

Presidencies may appoint coroners, who may exercise the same powers as coroners in England.

CLVIII. And whereas, by an Act of the first year of the reign of his late Majesty King George the First, intituled, "An Act for making the Laws for repairing the Highways more "effectual," provision was made for authorizing Justices of the Peace in cities and market-towns, at their General or Quarter Sessions, to appoint scavengers for cleansing and repairing the streets of the same, and to raise money by assessments upon the inhabitants for defraying the expenses thereof: And whereas, by an Act passed in the seventh year of the reign of his present Majesty, to amend and reduce into one Act the Statutes for the amendment and preservation of the public highways, it was enacted, that the said recited Act of the first year of King George the First should be repealed: And whereas it is essentially necessary for the health, as well as for the security, comfort, and convenience of the inhabitants of the towns and factories of Calcutta, Madras, and Bombay, in the East-Indies, that the streets therein should be regularly and effectually cleansed, watched, and repaired: be it therefore enacted, that it shall and may be lawful to and for the Justices of the Peace within or for the Presidencies of Fort William, Fort Saint George, and Bombay respectively, for the time being, or the major part of them, from time to time assembled at their General or Quarter Sessions, to appoint scavengers for cleansing the streets of the said towns or factories of Calcutta, Madras, and Bombay respectively, and to nominate and appoint such persons as they shall think fit in that behalf, and also to order the watching and repairing of the streets therein as

1 G. 1, c. 52.

7 G. 3, c. 42.

Justices may appoint scavengers for cleansing the streets of Calcutta, Madras, and Bombay, and may order their being watched and repaired, and make assessments for those purposes, &c.

they respectively shall judge necessary, and for the purpose of defraying the expenses thereof, from time to time to make an equal assessment or assessments on the owners or occupiers of houses, buildings, and grounds in the said towns or factories respectively, according to the true and real annual values thereof, so that the whole of such assessment or assessments shall not exceed, in any one year, the proportion of one-twentieth part of the gross annual values thereof respectively, unless any higher rate of assessment shall, in the judgment of the Governor-General in Council, or Governor in Council, of the said respective presidencies, become essentially necessary for the cleansing, watching, or repairing thereof; in which case the said Governor-General in Council, or Governor in Council, shall and may, on any such urgent occasion, by Order in Council, authorize a further assessment, not exceeding in any one year the half-part of the amount of the ordinary annual assessment hereinbefore limited; and that it shall be thereupon lawful for the said Justices to make a further assessment, according to the tenor of such order, and not otherwise, or in any other manner; and that all and every such assessment or assessments shall and may, from time to time, be levied and collected by such person or persons, and in such manner, as the said Justices, by their Order in Session, shall direct and appoint in that behalf; and the money thereby raised shall be employed and disposed of according to the orders and directions of the said Justices in Session respectively, for and towards the repairing, watching, and cleansing the said streets, and for no other purpose; and that the said assessments, being allowed under the hands and seals of such Justices, or any two or more of them, shall and may be levied by warrant under their hands and seals, or the hands and seals of any two of them, by distress and sale of the goods and chattels of any person or persons not paying the same within eight days after demand, rendering the overplus (if any be) to the same person or persons, the necessary charges of making, keeping, and selling such distress or distresses, being first deducted. (1)

(1) [Various modifications of this section are made by Acts of Government of India, Nos. 28 of 1836; 1 of 1837; 32 of 1838; 24 of 1840; 22 of 1841; 11 of 1845; and 9 of 1849; but the matter being of very limited interest, a reference to them is deemed sufficient.]

No spirituous liquors to be sold in Calcutta, Madras, or Bombay, without a license.

CLIX. And be it further enacted, that it shall not be lawful for any person or persons to sell any arrack or other spirituous liquors within the towns or factories of Calcutta, Madras, or Bombay respectively, without a license for that purpose under the hands and seals of two or more of the Justices of the Peace having jurisdiction; and that the powers and authorities vested by any laws or statutes now in force in that part of Great Britain called England, in any Justices of the Peace for restraining the inordinate sale of spirituous liquors, shall extend to and be put in force against all unlicensed traders in spirits or spirituous liquors within the said towns and factories respectively, by the Justices having jurisdiction therein (1); and that if any question shall arise touching or concerning the true limits and extent of the said towns and factories, or any of them, the same shall be inquired into by the Governor-General in Council at Fort William, in respect to the limits and extent of Calcutta, and by the Governor in Council of Fort Saint George, in respect to the limits and extent of Madras, and the Governor in Council at Bombay, in respect to the town of Bombay; and that such limits as the said respective Governments, by Order in Council, shall declare and prescribe to be the limits of the said towns and factories respectively, shall be held, deemed, and taken in law as the true limits of the same; any custom or usage to the contrary notwithstanding.

By whom the limits of those places shall be prescribed.

(1) [*Vide* Acts of Government of India, No. 32 of 1838, and No. 18 of 1840, in Appendix.]

Directors hereafter elected to take the following oath.

CLX. And be it further enacted, that every person who shall hereafter be elected a Director of the said Company shall, within ten days next after his election, and before he shall take that office upon him (save only the administering the oath hereinafter mentioned, instead of the oaths now prescribed to be taken by persons elected Directors of the said Company), take the following oath; (that is say,) * * * * * * Which said oath shall be signed by the person or persons taking the same, and shall be administered by any two of the Directors of the said Company, who also shall sign and attest the same; and in case any person so to be elected a Director of the said Company, shall refuse or neglect to take the said oath within the time aforesaid, his office or place, as a Director of the said Company, shall become void. (1)

(1) [By 53 Geo. 3, cap. 155, sec. 76, the year and title of *that* Act were to be inserted instead of the year and title of the Act by which the oath is prescribed. But the 16 & 17 Vict. cap. 95, sec. 13, directs another form of oath *instead* of that previously taken; and the form given in this Act is consequently omitted.]

Section 161 related to deposits on teas bought at the Company's sales; section 162 limited the time for the commencement of proceedings under this Act; and section 163 fixed the date of the commencement of the Act.

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34 GEORGII III. Cap. XLI.

An Act *to empower the East-India Company to continue a Bond Debt of Two Millions, and to increase the same by a further Sum, as Circumstances may require.*

The title of this Act sufficiently indicates its purpose. The chief points in the history of the Bond Debt are the following. By 9 & 10 Wm. 3, cap. 44, sec. 75, the corporations, societies, fellowships, companies, and constitutions established under that Act (from which *The English Company trading to the East-Indies* originated) were not to borrow money except on their common seal, and for the purposes of trade; and no sums thus borrowed were to be repayable at a shorter period than six months. By 6 Annæ, cap. 17, sec. 2, *The English Company*, to enable them to lend money to the Crown

to carry on the war, were authorized to borrow £1,500,000, in addition to any amount which might previously be lawfully borrowed on their common seal. By 7 Geo. 1, cap. 5, sec. 32, *The United Company* were authorized to borrow to an amount not exceeding at any one time the sum due at such time from the public to the Company, or not exceeding five millions in the whole. The 17 Geo. 2, cap. 17, sec. 8, allowed them to borrow an additional million, to enable them to raise and pay a like sum for the service of the Crown. The 23 Geo. 2, cap. 22, which among other objects was "for em-" powering the East-India Company to raise certain Sums by trans-" ferable Annuities," directs in sec. 6, that the money so raised shall be applied in discharge of the bond debt, but the power of borrowing given by previous Acts of Parliament is continued and confirmed. The 13 Geo. 3, cap. 64, sec. 13, prescribed means for reducing the bond debt to £1,500,000, and it was accordingly so reduced, as is recited in 19 Geo. 3, cap. 61, 20 Geo. 3, cap. 56, and 21 Geo. 3, cap. 65. The 23 Geo. 3, cap. 36, sec. 2, allowed an addition of £500,000. The 23 Geo. 3, cap. 83, sec. 8, and the 24 Geo. 3, cap. 34, sec. 4, contemplated a reduction to the former amount of £1,500,000: but the 28 Geo. 3, cap. 29, sanctioned an increase of £1,200,000. The 33 Geo. 3, cap. 47, sec. 14, again directed the bond debt to be reduced to £1,500,000, but sec. 15 provided that, with the approbation of the Board, it might be subsequently increased by a sum not exceeding £500,000. By the 34 Geo. 3, cap. 41, which appears above, it will be seen that the bond debt was allowed to remain at £2,000,000, and might, with the approbation of the Board, be increased to £3,000,000.

Other enactments on the subject followed at various intervals of time, which will be noticed in their proper places. By 37 Geo. 3, cap. 31, the Company were empowered to enlarge their capital stock by £2,000,000; but by 47 Geo. 3, sess. 2, cap. 41, instead of thus enlarging their capital stock, they were authorized to increase their bond debt by £2,000,000, provided that thereafter any money raised under the former Act for enlarging their capital stock should be applied in reduction of the bond debt until it was brought down to £3,000,000. No increase of the capital stock of the Company was made, and consequently no reduction on that account took place in the amount of the bond debt. Finally, the 51 Geo. 3, cap. 64, sec. 1, enabled the Company to borrow £2,000,000 on bond, in addition to

any sums which previously they might lawfully raise by such means. The same Act (sec. 2) repealed so much of 47 Geo. 3, cap. 41, as directed that the bond debt should be reduced in proportion to the increase of capital stock, but enacted that when, under its provisions, together with those of 37 Geo. 3, cap. 31, and 47 Geo. 3, cap. 41, the sum of £4,000,000 had been raised, no further sums should be raised on bond. Thus the whole sum of £4,000,000 being raised by bond, no addition could be made to the capital stock. The entire effect of the various enactments respecting the bond debt was to enable the Company, with the approbation of the Board, to borrow £7,000,000 on that species of security.]

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37 GEORGII III. Cap. XXXI.

An Act *to enable the East-India Company to raise Money by further increasing their Capital Stock, and to extend the Provisions now existing respecting the present Stock of the Company to the said increased Stock.*

The increase of capital stock authorized by this Act was never effected. See note on section 11 of 3 & 4 Wm. 4, cap. 85.

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37 GEORGII III. Cap. CXLII.

An Act *for the better Administration of Justice at Calcutta, Madras, and Bombay, and for preventing British Subjects from being concerned in Loans to the Native Princes in India.*

Whereas, by an Act passed in the thirteenth year of the reign of his present Majesty, Preamble.
intituled, "An Act for establishing certain Regulations for the better Management of the 13 G. 3, c. 63.
"Affairs of the East-India Company, as well in India as in Europe," it was enacted, that it should be lawful for his Majesty, by Letters Patent, under the Great Seal of Great Britain, to erect and establish a Supreme Court of Judicature at Fort William in Bengal, to consist of a Chief Justice, and three other Justices, being barristers of England or Ireland, of not less than five years' standing, to be named from time to time by his Majesty, his heirs and successors: and whereas by the said Act, and by divers other Acts of Parliament, certain

jurisdictions, powers, and authorities were given to the said Court to be exercised in the manner therein directed: and whereas it may be expedient that the number of Judges should be reduced; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that immediately after the death, resignation, or removal of any of the Puisne Judges of the said Supreme Court, that the office of one of the said Puisne Judges shall be and the same is hereby suppressed; and from and immediately after such death, resignation, or removal, the said Supreme Court shall consist of a Chief Justice and two other Judges only; and all powers, jurisdictions, and authorities whatsoever, shall, from and after such period as aforesaid, be enjoyed and exercised by the said Chief Justice and other Judges, in as full and ample a manner as the same might have been held, enjoyed, and exercised, by the said Supreme Court under the authority of the said hereinbefore recited Act, or any other Act or Acts of Parliament, or under the Charter of Justice granted by his Majesty under the authority of the same.

On the death, &c., of any of the Puisne Judges of the Supreme Court of Judicature in Bengal, it shall consist of a Chief Justice and two other Judges.

II. And whereas his Majesty has by law no power to direct the application of any part of the revenues of the territorial acquisitions in India, as a provision for a Chief Justice, or other Judge of the said Supreme Court, who, from infirmity, or other causes approved of by his Majesty, may return to Europe: and whereas it is expedient that such power, to a limited extent, be vested in his Majesty, his heirs and successors: be it therefore enacted, by the authority aforesaid, that from and after the death, resignation, or removal, of one of the Judges of the said Supreme Court, and the suppression of the said office in the manner hereinbefore directed, that it shall and may be lawful for his Majesty, his heirs and successors, by warrant under his royal sign manual, to authorize and direct the payment of a competent yearly sum out of the revenues arising from the territorial acquisitions in India, to be applied for the use and behoof of any Chief Justice or other Judge, who, from age, infirmity, or other cause, to be approved of by his Majesty, his heirs and successors, shall return to Europe. (1)

His Majesty may direct the payment of a yearly sum out of the territorial revenues to any Chief Justice or other Judge, returning to Europe.

(1) [The required term of residence, and the amount of pension were variously determined by 39 & 40 Geo. 3, cap. 79; 55 Geo. 3, cap. 84; and 4 Geo. 4, cap. 71. For the present law on those points, see 6 Geo. 4, cap. 85, secs. 7, 8, 10, 12.]

Section 3 fixed the maximum of pension and the minimum of residence, and, for the reasons above assigned, is omitted.

IV. And whereas, by the Charter of Justice granted by his Majesty, under the authority of the hereinbefore recited Act, passed in the thirteenth year of his present Majesty's reign, the said Supreme Court of Judicature was directed and required to reduce, or cause to be reduced to writing, the depositions of witnesses in civil causes, and was directed to require the same to be subscribed by such witnesses, with their name or other mark, and to file the same of record: and whereas by the same Charter of Justice, it was also directed that no appeal should be allowed from the said Supreme Court of Judicature, unless the value of the matters in dispute exceed the sum of one thousand pagodas (1): and whereas the requiring the depositions of witnesses to be reduced into writing, and filed of record, is productive of much expense and delay in small causes, where the value of the matter in dispute does not exceed one thousand pagodas, and which, for that reason, cannot be made the subject of appeal (1):

The Supreme Court, where the matter in dispute does not exceed 1,000 pagodas, may direct depositions to be filed of record, or not.

be it therefore enacted, that, from and after the passing of this Act, it shall be in the discretion of the said Supreme Court, in all cases when the value of the matter in dispute does not exceed one thousand pagodas, either to direct the deposition of witnesses to be reduced into writing, and filed of record, or not, as the said Court shall think fit in the particular case; any thing in the said Charter of Justice contained to the contrary notwithstanding.

(1) [Under section 24 of 3 & 4 Wm. 4, cap. 41, which empowers his Majesty in Council to make regulations as to the amount or value of the property in respect to which any appeal may be made, an order was passed on the 10th April, 1838, fixing 10,000 Company's rupees as the lowest sum for which an appeal from any Court in India may be preferred as matter of right.]

Sections 5, 6, and 7 were directed to effecting retrenchments in the expenses of the Court at Calcutta.

Regulations of the Governor-General in Council, which affect the natives or others amenable to the Courts of Justice, to be printed, with translations, in the country languages, &c.

VIII. And whereas certain regulations for the better administration of justice among the native inhabitants and others, being within the provinces of Bengal, Bahar, and Orissa, have been from time to time framed by the Governor-General in Council in Bengal; and among other regulations it has been established and declared as essential to the future prosperity of the British territories in Bengal, that all regulations passed by Government, affecting the rights, properties, or persons of the subjects, should be formed into a regular code, and printed, with translations, in the country languages, and that the grounds of every regulation be prefixed to it; and that the Courts of Justice within the provinces be bound to regulate their decisions by the rules and ordinances which such regulations may contain, whereby the native inhabitants may be made acquainted with the privileges and immunities granted to them by the British Government, and the mode of obtaining speedy redress for any infringement of the same: and whereas it is essential that so wise and salutary a provision should be strictly observed, and that it should not be in the power of the Governor-General in Council to neglect or to dispense with the same; be it therefore enacted, that all regulations which shall be issued and framed by the Governor-General in Council at Fort William in Bengal, affecting the rights, persons, or property of the natives, or of any other individuals who may be amenable to the Provincial Courts of Justice, shall be registered in the judicial department, and formed into a regular code, and printed, with translations, in the country languages, and that the grounds of each regulation shall be prefixed to it; and all the Provincial Courts of Judicature shall be, and they are hereby directed to be bound by and to regulate their decisions by such rules and ordinances as shall be contained in the said regulations; and the said Governor-General in Council shall annually transmit to the Court of Directors of the East-India Company ten copies of such regulations as may be passed in each year, and the same number to the Board of Commissioners for the Affairs of India.(1)

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 51, all laws and regulations made by the Governor-General in Council, now the sole legislative authority in India, are to be laid before Parliament.]

The ninth section declares that it shall be lawful for his Majesty to erect Courts of Judicature at Madras and Bombay, having a

Recorder, &c. By the 39 & 40 Geo. 3, cap. 79, his Majesty was empowered to erect a Supreme Court of Judicature at Madras; and all powers and authorities granted by this Act to the Recorder's Court are to be transferred to the Supreme Court. Under 4 Geo. 4, cap. 71, a similar Court was erected at Bombay, and similar provision made for the transfer of the powers and authorities of the Recorder's Court there.

Those powers and authorities, with their limitations, will be found in several of the following sections.

Extent of their jurisdiction.

X. Provided nevertheless, and be it further enacted, that the said new Charter, which his Majesty is hereby empowered to grant, and the jurisdiction, powers, and authorities to be thereby established, shall extend to all British subjects (1) who shall reside within any of the factories subject to or dependent upon the governments of Madras and Bombay respectively; and the said Charter shall be competent and effectual, and the said Courts therein and thereby established shall have full power and authority, according to their respective jurisdictions, to hear and determine all and all manner of complaints against any of his Majesty's subjects, for any crimes, misdemeanors, and oppressions, committed or to be committed, and also to hear and determine all suits and actions whatsoever against any of his Majesty's subjects arising in territories subject to or dependent upon the said governments of Madras and Bombay respectively, or within any of the territories which now are or hereafter may be subject to or dependent upon the said governments, or within any of the dominions of the native Princes of India in alliance with the said governments respectively, or against any person who at the time when such debt or cause of action shall have arisen, have been employed by, or shall have been directly or indirectly in the service of the United Company, or any of his Majesty's subjects; provided always, that the said Court shall not be competent to hear, try, and determine any indictment or information against the Governor or any of the Council, not being treason or felony, which the Governor or any of the Council at Madras or Bombay respectively shall or may be charged with having committed within the jurisdiction of the said Courts respectively.

Court not competent to try informations against the Governor or Council, except for treason or felony.

(1) [By Act of the Government of India, No. 11 of 1836, all persons whatever are made subject in civil proceedings to the Company's Courts therein enumerated, within the three presidencies. For further information on this subject, see notes on 39 & 40 Geo. 3, cap. 79, and 4 Geo. 4, cap. 71.]

Courts may try all suits which, by authority of Parliament, may now be tried by the Mayor's Courts, or Courts of Oyer and Terminer.

XI. And be it further enacted, that the said Courts, so to be erected as aforesaid, shall have full power and authority to hear, try, and determine all and all manner of suits and actions, either civil or criminal, which by the authority of any Act or Acts of Parliament may now be heard, tried, or determined by the Mayor's Courts at Madras or Bombay respectively, or by the Courts of Oyer and Terminer or Gaol Delivery there; and all powers, authorities, and jurisdictions, of what kind or nature soever, which by any Act or Acts of Parliament may be or are directed to be exercised by the said Mayor's Courts, or the said Courts of Oyer and Terminer and Gaol Delivery, shall and may be as fully and effectually exercised by the said Courts, to be erected in the manner aforesaid, as the same might have

been exercised and enjoyed by the said Mayor's Courts or Courts of Oyer and Terminer and Gaol Delivery respectively: provided always, that nothing in this Act shall extend to subject the person of the Governor, or any of the Council at the respective settlements, or the person of the Recorder of the said Court, to be arrested or imprisoned in any suit, action, or proceeding in the said Court; nor shall it be competent for the said Courts, within their respective jurisdictions, to hear or determine, or to entertain and exercise jurisdiction in any suit or action against the Governor, or any of the Council at the said settlements of Madras and Bombay respectively, for or on account of any act or order, or any other act, matter, or thing whatsoever, counselled, ordered, or done by them in their public capacity, or acting as Governor and Council; nor shall the said Court have or exercise any jurisdiction in any matter concerning the revenue under the management of the said Governor and Council respectively, either within or beyond the limits of the said towns, forts, or factories, or concerning any act done according to the usage and practice of the country, and the regulations of the Governor and Council; and no person shall be subject to the jurisdiction of any of the said Courts for or by reason of being a landowner, landholder, or farmer of land or of land-rent, or for receiving a pension or payment in lieu of any title to or ancient possession of land or land-rent, or for receiving any compensation or share of profits for collecting rents payable to the public out of such lands or districts as are actually farmed by himself, or those who are his under-tenants by virtue of the farm, or for exercising within the said lands or farms any ordinary or local authority commonly annexed to the possession or farm thereof, or for or by reason of his becoming security for the payment of the rents reserved, or otherwise payable out of any lands or farms, or farms of lands, within the dominion subject to the Governments of Madras and Bombay respectively; and no person for or by reason of his being employed by the said Company, or the Governor and Council, or by any person deriving authority under them, for or on account of his being employed by a native, or the descendant of a native, of Great Britain, shall become subject to the jurisdiction of the said Courts respectively, in any matter of inheritance or succession to goods or lands, or in any matter of dealing or contract between party or parties, except in actions for wrongs or trespasses only.

The Governor, Council, and Recorder of the Court, not subject to arrest.

Jurisdiction of the Courts not competent to certain matters.

No person to become subject to jurisdiction of Court by being a landholder or farmer, nor by reason of being employed by Company or native of Great Britain, except in certain cases.

XII. And in order that due regard may be had to the civil and religious usages of the natives; be it enacted, that the rights and authorities of fathers of families, and masters of families, according as the same may be exercised by the Gentoo or Mahomedan law, shall be preserved to them within their families respectively, nor shall the same be violated or interrupted by any of the proceedings of the said Courts; nor shall any act done in consequence of the rule or law of caste, so far as respects the members of the same family only, be deemed a crime, although the same may not be justifiable by the laws of England. (1)

Rights of fathers and masters of families to be preserved.

(1) [By Act of Government of India, No. 21 of 1850, no person's right to property is to be affected by change of religion or deprivation of caste. By Regulation of the Government of Bengal, 17 of 1829, the practice of the cremation of widows was abolished and made criminal; but the local Government had not then the power of legislating for the Supreme Courts.]

XIII. And be it further enacted, that the said Courts so to be erected as aforesaid, shall have full power to hear and determine all suits and actions that may be brought against the inhabitants of Madras and Bombay respectively, in the manner that shall be provided by the

Courts may determine suits against the inhabitants according to the Charter, but

their inheritance of lands, &c., to be determined as would have been done in a native court; and where one party is a Mahomedan or Gentoo, by the usages of the defendant, &c.

said Charter; yet, nevertheless, their inheritance and succession to lands, rents, and goods, and all matters of contract and dealing between party and party, shall be determined, in the case of Mahomedans, by the laws and usages of the Mahomedans, and where the parties are Gentoos, by the laws and usages of the Gentoos, or by such laws and usages as the same would have been determined by if the suit had been brought, and the action commenced, in a native court; and where one of the parties shall be a Mahomedan or Gentoo, by the laws and usages of the defendant (1): and in all suits so to be determined by the laws and usages of the natives, the said Court shall make such rules and orders for the conduct of the same, and frame such process for the execution of their judgments, sentences, or decrees, as shall be most consonant to the religions and manners of the said natives, and to the said laws and usages respectively, and the easy attainment of the ends of justice: and such means shall be adopted for compelling the appearance of witnesses, and taking their examination, as shall be consistent with the said laws and usages, so that the said suits shall be conducted with as much ease, and at as little expense, as is consistent with the attainment of substantial justice.

(1) [See Act of Government of India, No. 9 of 1837, for the law regulating the transmission of immovable property among the Parsees.]

No action for wrong to be brought against a judicial officer for any order of Court, nor for any act done by virtue of any such order; but if any information is intended, it must be brought according to 21 G. 3, c. 70.

XIV. And be it further enacted, that no action for wrong or injury shall be brought against any person whatever exercising a judicial office in any country court, for any judgment, decree, or order of the said Court, or against any person for any act done by or in virtue of the order of the said Court (1); and in case any information is intended to be brought against any such person or officer, the same shall be brought and proceeded in, in the same manner, and to all intents and purposes in the same form, and to the same effect, as such informations are directed to be proceeded in before the Supreme Court of Judicature at Calcutta in Bengal, by an Act passed in the twenty-first year of his Majesty's reign (2), intituled, " An Act to explain and amend so much of an Act made in the thirteenth year of " the reign of his present Majesty, intituled, ' An Act for establishing certain Regulations " ' for the better Management of the Affairs of the East-India Company, as well in India as " ' in Europe,' as relates to the Administration of Justice in Bengal; and for the Relief of " certain Persons imprisoned at Calcutta in Bengal under a Judgment of the Supreme Court " of Judicature, and also for indemnifying the Governor-General and Council of Bengal, and " all Officers who have acted under their Orders or Authority, in the undue Resistance made " to the Process of the Supreme Court."

(1) [By Act of Government of India, No. 18 of 1850, no judicial officer acting *bonâ fide* is liable to be sued for any judicial act in any civil court, nor any executive officer acting in the ordinary course of his duty.]

(2) [21 Geo. 3, cap. 70, secs. 25 and 26.]

A registry of natives employed by the Company or British subjects to be established, as at Calcutta.

XV. And be it further enacted, that a registry of the natives employed in the service of the said Company, or in the service of British subjects or their partners, shall be established within the settlements of Madras and Bombay respectively, in the same manner, to the same effect, to the like extent, and for the like purpose, and subject to the like penalties, as such

register is established at Calcutta, by the said Act passed in the twenty-first year of his present Majesty's reign. (1)

(1) [21 Geo. 3, cap. 70, secs. 11 to 16.]

XVI. And be it further enacted, that it shall and may be directed, in and by the said new Charter, which his Majesty is herein empowered to grant, that in case any person or persons whatever shall think him, her, or themselves aggrieved by any judgment or determination of either of the said Courts of Judicature to be established as aforesaid, he, she, or they may appeal from such judgment or determination to his Majesty in Council, within such time and in such manner, and in such cases, as his Majesty in his said Charter shall judge proper and reasonable to be appointed and prescribed.

His Majesty to direct in the Charter that persons may appeal from the Courts to his Majesty in Council.

XVII. And be it further enacted, that if his Majesty shall grant such Charter as aforesaid, and erect such Courts of Judicature at Madras and Bombay, all the records and muniments and proceedings whatsoever, of and belonging to the said Mayor's Courts at Madras and Bombay respectively, or to the Courts of Oyer and Terminer and Gaol Delivery, there established by the aforesaid Charter of his late Majesty, shall, from and immediately after such Courts of Judicature as his Majesty is herein empowered to erect shall be established, be delivered over, preserved, and deposited, for safe custody in the said new Courts of Judicature respectively; to which all parties concerned shall and may have resort and recourse, upon application to the said Court.

Records of the Mayor's Courts, or the Courts of Oyer and Terminer, to be deposited in the new courts.

XVIII. And be it further enacted, that so much of the Charter granted by his late Majesty, as confers any civil, criminal, or ecclesiastical jurisdiction upon the Mayor's Courts of Madras and Bombay respectively, or upon the President and Council as a Court of Appeal from the said Courts, or of Oyer and Terminer and Gaol Delivery, at the said settlements, or the subordinates thereto belonging, in case a new Charter shall be granted by his Majesty, and shall be openly published at Madras and Bombay respectively, from and immediately after such publication shall cease and determine, and be absolutely void to all intents and purposes; and all judicial powers and authorities granted by any Act or Acts of Parliament to the said Mayor's Courts or Courts of Appeal at the said settlements, shall cease and determine, and be no longer exercised by the said Courts; but the same shall and may be exercised by the Courts of Judicature to be erected by virtue of this Act, in the manner, and to the extent hereinbefore directed; but nevertheless the said Charter shall, in all other respects, continue in full force and effect, to all intents and purposes, according to the true intent and meaning thereof, except in so far as it is altered or varied by this Act, as fully and effectually as if this Act had not been made, or such new Charter should not have been granted.

Jurisdiction of the Mayor's Courts, and of the Presidents and Councils, as Courts of Appeal, to cease on publication of new Charter.

Sections 19 to 26 relate to the emoluments and liabilities of the Recorders, and the means of making temporary provision for the discharge of their duties when necessary.

XXVII. And be it further enacted, that all new forms of process, or rules and orders for the execution thereof, shall be transmitted to the President of the Board of Commissioners for the Affairs of India, to be laid before his Majesty for his royal approbation, correction, or refusal; and such process shall be used, and such rules shall be observed until the same shall be repealed or varied, and in the last case with such variation as shall be made therein.

All new forms of process to be transmitted to the Board for India affairs.

From Dec. 1, 1797, no British subject to lend any money, or be concerned in raising any for native Princes, without consent of the Court of Directors, or the Governor in Council; and any person doing so may be prosecuted for a misdemeanor.

XXVIII. And whereas the practice of British subjects lending money, or being concerned in the lending of the same, or in transactions for the borrowing money for, or lending money to, the native Princes in India, has been productive of much mischief, and is the source of much usury and extortion: and whereas the wholesome orders of the Court of Directors of the United Company of Merchants trading to India have not been sufficient to restrain and repress the same: and whereas it is highly desirable that such practices should be prevented in future; be it therefore enacted, that, from and after the first day of December next, no British subject shall, by himself, or by any other person directly or indirectly employed by him, lend any money or other valuable thing to any native Prince in India, by whatever name or description such native Prince shall be called; nor shall any British subject, either by himself, or by any other person directly or indirectly employed by him, be concerned in the lending any money to any such native Prince; nor shall any British subject be concerned, either by himself or by any other person, either directly or indirectly, in raising or procuring any money for any such native Prince, or as being security for such loan or money; nor shall any British subject lend any money or other valuable thing to any other person for the purpose of being lent to any such native Prince, nor shall any British subject, by himself or by any other person, either directly or indirectly, for his use and benefit, take, receive, hold, enjoy, or be concerned in any bond, note, or other security or assignment, granted or to be granted by any such native Prince, after the first day of December next, for the loan, or for the repayment of money, or other valuable thing, without the consent and approbation of the Court of Directors of the East-India Company, or the consent and approbation of the Governor in Council of one of the said Company's Governments in India, first had and obtained in writing; and every person doing, acting, or transacting, or being concerned in any actings, doings, and transactions, contrary to this Act, shall be deemed and taken to be guilty of a misdemeanor at law, and shall and may be proceeded against and punished as such, by virtue of this Act, before any Court of competent jurisdiction; and all bonds, notes, assignments, or securities for money, of what kind or nature soever, taken, held, or enjoyed, either directly or indirectly, for the use and benefit of any British subject, contrary to the true intent and meaning of this Act, shall be, and the same are hereby declared to be null and void to all intents and purposes.

Security for money lent contrary hereto, to be void.

On complaint to the Governments in India for acting contrary to this Act, the case to be laid before the law officers, whose report shall be transmitted to the Court of Directors.

XXIX. And be it further enacted, that when and so often as any information shall be given, or complaint made, to any of the Governments of the said United Company in the East-Indies, of any person having acted contrary to the provisions of this Act, such Governments shall forthwith lay the case before the Company's law officers at the settlement where it arises, who shall take the same into their consideration, and report their opinion thereupon, whether the same is a proper case for prosecution (together with their reasons for the same), which report shall be transmitted home to the Court of Directors by the first convenient opportunity.

Jurisdictions of the Courts of Requests at Madras, Bombay, and Calcutta, extended to eighty rupees.

XXX. And whereas the provision made by the Charter of Justice of his late Majesty, for the establishment of a Court of Requests in and for the towns of Madraspatnam, Bombay, and Calcutta, for the recovery of debts, duties, and demands therein, not exceeding the value of five pagodas, in manner therein directed, hath been found beneficial and convenient: and whereas an extension of jurisdiction of the said Courts for the recovery of debts, duties, and demands, to a larger amount in value, is found to be useful; be it therefore enacted by the authority aforesaid, that the jurisdiction of the said Courts of Requests at and for the said towns of Madraspatnam, Bombay, and Calcutta respectively, shall be and the same is extended to the recovery of all or any manner of debts, duties, and demands, not exceeding in value

the sum of eighty current rupees respectively (1); and for that purpose that the Commissioners of the said Courts of Requests, and their successors, shall have full power and authority to hear and determine all actions, plaints, and suits, which have grown, or shall be brought before them, in their said respective courts, where the debt, duty, or matter in dispute, shall not exceed the said value of eighty current rupees, and to award execution thereupon for the debt or sum adjudged to be due, in the same manner as they now do for debts and demands under the sum of five pagodas.

(1) [The 39 & 40 Geo. 3, cap. 79, gives authority to the Governments of Fort William and Fort St. George to establish new rules and orders for the Courts of Requests at those presidencies, and to extend their jurisdiction to any sum not exceeding four hundred Sicca rupees. By Act of the Government of India (with whom alone the power of legislation now rests), No. 9 of 1850, the law on this subject was amended and consolidated; and under that Act Courts for the recovery of small debts were established at Calcutta, Madras, and Bombay, such Courts having jurisdiction to the amount of five hundred rupees; claims exceeding one hundred rupees being removable to the Supreme Court, but only by leave of a Judge of that Court, and upon such terms as he might think fit.]

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39 GEORGII III. Cap. CIX.

An Act *for better Recruiting the Forces of the East-India Company.* [12*th July*, 1799.]

Whereas the United Company of Merchants of England trading to the East-Indies are by law entitled to maintain and keep up, and at their own costs and charges do maintain and keep up, a military force in their settlements abroad, for the defence and protection of the territorial acquisitions and revenues of which they are in possession, and for the defence and protection of their trade; and by an Act of Parliament made in the twenty-first year of the reign of his present Majesty, intituled, " An Act for establishing an Agreement with the " United Company of Merchants of England trading to the East-Indies, for the Payment of " the Sum of Four hundred thousand Pounds, for the use of the Public, in full Discharge " and Satisfaction of all Claims and Demands of the Public, from the time the Bond Debt of " the said Company was reduced to one million five hundred thousand Pounds, until the " First Day of March, one thousand seven hundred and eighty-one, in respect of the " Territorial Acquisitions and Revenues lately obtained in the East-Indies; and also for " securing to the Public in respect thereof, for a Term therein mentioned, a certain Part or " Proportion of the clear Revenues and Profits of the said Company; and for granting to " the said Company, for a further Term, the sole and exclusive Trade to and from the East-

Preamble.

21 G. 3, c. 65.

"Indies, and Limits therein mentioned; and for establishing certain Regulations for the "better Management of the Affairs of the said Company, as well in India as in Europe, and "the recruiting the Military Forces of the said Company," certain regulations are established for the said Company's raising recruits in Great Britain, but no provision is made, by virtue of which such recruits can be trained, arrayed, exercised, or disciplined, during their abode in this kingdom, or whereby they can be subjected to military law previous to their embarkation for, and during their passage to, the places where the said United Company are entitled to maintain and keep such militia force: and whereas it is expedient that his Majesty's officers should be authorized in certain cases to enlist recruits for service, either in his Majesty's troops or in the forces of the said United Company, as his Majesty shall think fit to direct; and that all recruits so raised and transferred over to, or enlisted by officers in the service of the said United Company, should be trained, arrayed, exercised, and disciplined in the use of arms, previous to their departure for places abroad; and that they should be subjected to military law during their abode in this kingdom, and during their passage to, and before their arrival at such places: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for his Majesty, his heirs and successors, to order and cause such of his officers as he shall see fit, to levy, enlist, and raise such number of men as from time to time his Majesty shall think fit, for the special purpose of serving in the East-Indies, either in his Majesty's troops, or in the forces of the said United Company.

His Majesty may order officers to levy men to serve in the East-Indies in his Majesty's troops or the Company's forces.

The Act goes on to prescribe a particular form of oath to be administered to recruits thus raised, and the second section directs the Justice before whom the recruit shall appear, to tender the oath; but by 17 Vict. cap. 4, sec. 55 (the annual Mutiny Act), the oaths prescribed therein, and no other, are to be administered.

His Majesty, on petition of the Court of Directors, may cause recruits to be transferred to the service of the Company.

III. And be it further enacted, that it shall and may be lawful to and for his Majesty, his heirs and successors, upon the petition of the Court of Directors of the said United Company, to cause so many recruits or soldiers, who shall have been raised by his Majesty's officers for the special purpose hereinbefore mentioned, as the said Court of Directors shall petition for, and as his Majesty, his heirs or successors, shall see fit to grant, to be transferred over to the service of the said United Company, which transfer shall be made by such recruits or soldiers being delivered over by such officer in his Majesty's service, who shall have the command of them, at such place as his Majesty shall think proper to appoint, to such person or persons as the said Court of Directors shall appoint to receive them.

Company not obliged to receive invalids.

IV. Provided always, and be it enacted, that the said United Company shall not be obliged to receive into their service any recruit or soldier who shall be an invalid, or who shall have any bodily infirmity.

Company to pay such sum as shall be agreed upon for such recruits, and their subsistence, from enlistment.

V. And be it further enacted, that the said United Company shall pay unto such person or persons, for the use of his Majesty, as shall be appointed for that purpose in writing by the Commissioners of his Majesty's Treasury, or any three or more of them, or by the Lord High Treasurer for the time being, such sum and sums of money as from time to time shall be agreed upon between one of his Majesty's principal Secretaries of State on behalf of his Majesty, and the said Court of Directors, to reimburse the expense of raising such recruits

and soldiers as shall be transferred into the service of the said United Company in manner hereinbefore mentioned; and that, over and above such sum, the said United Company shall in like manner pay to such person or persons as aforesaid, the costs of the subsistence of each recruit, from the time of his enlistment to the time of his being delivered over to the said United Company, as hereinbefore mentioned.

VI. And be it further enacted, that the said United Company shall and may deposit, keep, maintain, pay, train, and exercise in the use of arms, such men as they may from time to time enlist and engage in their service, under and by virtue of the authority of the said Act of the twenty-first year of his Majesty's reign, and such men as shall be transferred over to their service in manner herein mentioned, in any of his Majesty's garrisons, or at such other place or places within Great Britain, or the Islands of Guernsey or Jersey, as shall be approved of by his Majesty; and that the said United Company, or their Court of Directors, may, from the men so enlisted or transferred as aforesaid, make drafts of non-commissioned officers and soldiers, to be from time to time sent abroad in the said United Company's service, as they shall think proper and necessary.

Company may train men enlisted under recited Act, and transferred under this, in Great Britain, Guernsey, or Jersey, and may make drafts to be sent abroad.

VII. And be it further enacted, that for the purpose of raising, receiving, keeping, training, and exercising the men so enlisted by license from his Majesty as aforesaid, it shall and may be lawful for the Court of Directors of the said United Company, with the approbation of his Majesty, signified under the handwriting of one of his Majesty's principal Secretaries of State, to appoint, from and amongst such officers in the service of the said United Company as may be in England, on furlough, or by leave of absence, from their duty in India, or who have retired from the service of the said Company, and shall hold and have commissions from his Majesty as well as from the said United Company, one commanding officer, and such other commissioned officers, of such ranks and with such commissions as shall be necessary for the training, exercising, and disciplining such men so enlisted or transferred as aforesaid, until they shall be sent abroad; and that it shall also be lawful for the said Court of Directors to appoint, from the number of men so enlisted or transferred as aforesaid, such number of serjeants, corporals, drummers, and fifers, as shall be necessary for the same purpose.

Court of Directors, with the approbation of his Majesty, may appoint officers holding commissions from his Majesty and the Company for disciplining the men, out of whom they may appoint serjeants, &c.

Section 8 limited the number of men to be in training in this realm at any one time; but it is no longer law. The latest enactment on the subject is contained in 16 & 17 Vict. cap. 95, sec. 31, which makes it lawful for the Company to have in pay, train, and discipline, any number of non-commissioned officers and private men not exceeding 20,000.

IX. Provided also, and be it further enacted, that it shall and may be lawful for the said Company, with his Majesty's approbation so signified as aforesaid, to appoint such quarter-masters, paymasters, and other persons, as may be necessary for disciplining and training, attending, and otherwise taking care of, the said men so enlisted and transferred, over and above the number of commissioned officers hereinbefore mentioned, whether the said persons shall be in their service or not.

Company, with the approbation of his Majesty, may appoint quarter-masters, &c.

X. Provided also, and be it further enacted, that it shall not be lawful for the said United Company to pay or allow any greater pay, or other sums, to the commissioned and non-com-

Rates of pay to be allowed to the com-

missioned, non-commissioned, and staff officers.

missioned and staff officers to be appointed to raise, receive, train, exercise, and discipline the said men, than after the rates following: that is to say, not more than ten shillings per day to each captain; not more than five shillings per day to each subaltern officer, over and above the pay, according to their rank, which they shall be entitled to during their being in this country on furlough or leave of absence, or retired from the service; nor more than five shillings per day to each quarter-master, one hundred and twenty pounds per annum to each paymaster, two shillings per day to each serjeant, one shilling and sixpence per day to each corporal, five shillings per day to each surgeon, and one hundred pounds per annum to one chaplain; such last-mentioned sums to be the full allowance to which in any case such officers shall be entitled (save and except the regimental pay which such officers may be entitled to, according to their respective ranks, and save and except such barrack allowances as are usual to be given to officers in his Majesty's service when quartered in barracks).

Pay to be in full of all emoluments; and clothing, &c., to be provided as the Directors shall think best.

XI. And be it further enacted, that the said pay, so to be made to the said officers respectively as aforesaid, shall be in full satisfaction of all emoluments whatsoever; and that the clothing for the said men, and all other things whatsoever, necessary to be provided for them, or for the place in which they shall be deposited and kept, shall be provided by the said United Company, upon the best terms, and in such manner as shall appear to the Court of Directors of the said Company to be best suited to that purpose.

Officers and men to be subject to the commandants of garrisons or barracks, and to partake in the duties.

XII. And be it further enacted, that in case the said men, so to be enlisted into, or transferred over to, the service of the said United Company, shall be deposited and kept at any of his Majesty's garrisons or barracks, all such recruits and soldiers, and the commissioned and non-commissioned officers having the command of, or being employed in the training, exercising, and arraying such recruits or soldiers, shall at all times be subject to the command and orders of the commandant of such garrison or barracks, or in his absence to the senior officer in his Majesty's service, or the officer for the time being commanding in such garrison or barracks; and that the commissioned and non-commissioned officers, to be appointed by the said United Company to the command of, or for the training, exercising, or arraying such recruits as aforesaid, shall at all times partake in and perform the duties of any of his Majesty's garrisons or barracks in which they may be stationed.

Orders of the Company to be given through such commandants.

XIII. And be it further enacted, that all orders which shall be given by the said United Company, or their Court of Directors, to their officers so stationed at any of his Majesty's garrisons or barracks, shall be given and passed through the commandant or senior officer commanding at such garrisons or barracks.

Deserters may be apprehended and confined as from his Majesty's service.

XIV. And be it further enacted, that if any person who shall be enlisted and engaged by the said United Company, under the authority of the said Act of the twenty-first year of his Majesty's reign, or who shall be transferred over to the service of the said United Company as herein mentioned, shall afterwards desert, or be found wandering, or otherwise illegally absenting himself from the service of the said United Company, it shall and may be lawful for any constable, headborough, or tythingman, of the town or place where any such person who may be reasonably suspected to be a deserter, shall be found, to apprehend or cause him to be apprehended in the same manner as if he were a deserter from his Majesty's service; and every constable, headborough, tythingman, justice of the peace, or magistrate, shall have the same power and authority, and proceed in the same manner as he or they would have had, or as he or they would have proceeded in, if the person had been a deserter from his Majesty's service; and every keeper of any gaol, house of correction, or prison, to which such person shall be committed, shall be entitled to receive the full subsistence of such

deserter, during the time he shall remain in their custody, for the maintenance of such deserter, and shall receive and confine him or them in the same manner as if he or they had been a deserter from his Majesty's service.

XV. Provided always, that nothing in this Act contained shall extend, or be construed to extend, to authorize any justice to pay or cause to be paid any reward to any person or persons who shall apprehend, or cause to be apprehended, any person or persons who shall desert from the service of the East-India Company; nor shall the person or persons apprehending the same be entitled to any other reward than the East-India Company may voluntarily give for such apprehension.

Persons apprehending deserters to be entitled to such reward only as the Company may give.

XVI. And be it further enacted, that all such officers and soldiers as shall be raised and enlisted by virtue of this Act shall, at all times and until their embarkation, be subject to all the provisions and regulations of the said Act, made in the present session of Parliament, intituled, "An Act for punishing Mutiny and Desertion, and for the better Payment of the "Army and their Quarters," during the continuance of the same Act in Great Britain, and after the expiration thereof, to such other Act or Acts of Parliament, provisions, and regulations, as shall from time to time be made and be in force for the discipline and government of his Majesty's forces in Great Britain. * * * * * * *

Officers and soldiers, until embarkation, to be subject to the Mutiny Laws.

This section goes on to provide that recruits after embarkation shall be subject to 27 Geo. 2, cap. 9; but that Act was repealed by 4 Geo. 4, cap. 81, which Act was also repealed by 3 & 4 Vict. cap. 37, and that by 12 & 13 Vict. cap. 43; by which last Act the law on the subject was amended and consolidated.

Section 17 forbade the billeting of Company's soldiers on any one without such person's consent; but by 50 Geo. 3, cap. 87, sec. 3, all such powers and privileges are extended to all soldiers enlisted for, or transferred to the Company. For the law on this subject see the Mutiny Act, 17 Vict. cap. 4.

XVIII. And whereas, for more effectually suppressing mutiny and desertion, and for the punishment of other offences committed by officers and soldiers in the service of the said United Company, during the time of their being trained and disciplined by virtue of this Act, or by any of the officers or non-commissioned officers employed on that service, it may be necessary that his Majesty should be enabled to convene courts martial, or to authorize the same to be convened, consisting either in the whole or in part of officers in the service of the East-India Company who hold commissions from his Majesty: be it enacted, that it shall and may be lawful for his Majesty from time to time to grant a commission for the holding of general courts martial for the trial of offences committed by officers or soldiers in the service of the said United Company, during the time of their being so employed, and trained and exercised under the authority of this Act; which courts martial may either consist of officers appointed to train and discipline the said men, or of such other officers in the service of the East-India Company, holding commissions from his Majesty, as may be in Great Britain upon furlough, or by leave of absence, or of officers in his Majesty's service in Great Britain, or of such numbers and proportions of each, as to his Majesty shall seem

His Majesty may grant commissions for holding general courts martial.

meet; and such courts martial shall in all other respects be convened, and have the same powers and authorities, and their sentences shall be carried into execution, as if they were courts martial respecting his Majesty's forces.(1)

(1) [*Vide* 50 Geo. 3, cap. 87, sec. 7.]

Regimental courts martial may be convened.

XIX. And be it further enacted, that regimental courts martial, or courts martial to be composed of officers of different corps, with the same powers as regimental courts martial, may be convened for inquiring into such disputes or criminal matters as may come before them, touching any of the non-commissioned officers or soldiers in the service of the said United Company during the time of their being so employed and trained and exercised as aforesaid, and for awarding corporal or other punishments for small offences; and such courts martial shall be constituted, and proceed, and their sentences shall be carried into execution, in like manner as if they were courts martial respecting his Majesty's forces.(1)

(1) [*Vide* note on section 18.]

Section 20 provides for the punishment of offences committed after embarkation, under 27 Geo. 2, cap. 9, which Act has been repealed (see note on sec. 16). For the existing law on the subject, see 12 & 13 Vict. cap. 43.

Court of Directors to transmit a report of the number of men levied, &c., to the Secretary of State, and the Commander-in-chief.

XXI. And be it further enacted, that the Court of Directors of the said United Company shall, and they are hereby required and directed, twice in every year, to make out a report of the number of men levied and subsisted by virtue of this Act, and of all the orders issued, and every other matter or thing done or directed to be done by them in the execution of this Act, and to transmit one copy of the same to one of his Majesty's principal Secretaries of State, and another to the Commander-in-chief of his Majesty's forces.

Section 22 declares this to be a public Act.

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39 & 40 GEORGII III. Cap. XXXVI.

An Act *to enable Courts of Equity to compel a Transfer of Stock in Suits, without making the Governor and Company of the Bank of England, or the United Company of Merchants of England trading to the East-Indies, or the Governor and Company of Merchants of Great Britain trading to the South Seas or other Parts of America, party thereto.* [1*st May*, 1800.]

Preamble.

Whereas great expense arises in suits in Courts of Equity, from the practice of making the Governor and Company of the Bank of England parties thereto, for the mere purpose of compelling or authorizing the said Corporation to suffer any transfer of stock standing in

their books to be made which justice may require: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for any of his Majesty's Courts of Equity, before or upon hearing any cause depending therein, to order the Governor and Company of the Bank of England to suffer a transfer of stock standing in their books to be made, or to pay any accrued or accruing dividends thereon, belonging to, or standing in the names of, any party to a suit, as such Courts may deem just; or to issue an injunction to restrain them from suffering any transfer of such stock, or from paying any dividends or interest accruing or accrued thereon, although such Governor and Company are not parties to the suit in which such decree or order shall be made, such Courts being satisfied by the certificate of the accountant of the said Corporation, duly signed by him as hereinafter is directed, that the stock required to be transferred is standing in their books in the name of the persons or person required to transfer the same, or of the persons or person to whom they or he are or is the legal representatives; and that after due service of a short order upon the said Governor and Company, or their proper officer, which shall contain no recital of their pleadings or other matter than the title of the cause, and the ordering part of such decree or order which respects the said Governor and Company, and for which the sum of eighteen shillings, and no more, shall be paid, like process shall issue to enforce such order or decree as to enforce them against any party to a suit depending in such court.

Any Court of Equity may order the Bank of England to suffer a transfer of stock to be made, or to pay dividends belonging to or standing in the names of, any party to a suit, or issue an injunction, to restrain such transfer or payment, although the Bank be not a party, &c.

II. And for the better enabling any party to a suit to obtain and produce such certificate in court, be it enacted, that upon request in writing, signed by the clerk in court (or other officer answering thereto) and the solicitor concerned in the cause for the party applying, which shall state the cause, and for what parties they are concerned, the Governor and Company of the Bank of England shall deliver, or cause to be delivered, to the said clerk in court, or other officer and solicitor, or one of them, a certificate signed by their accountant, stating the amout of such stock or dividends, and in whose names or name such stock is standing in their books, and if it be particularly required (but not otherwise), when such stock or any part thereof was transferred, and by whom; for the signing of which request in writing there shall be paid to such clerk in court or other officer, a fee of six shillings and eightpence, and no more, and to such solicitor, for the drawing, copying, and delivering at the Bank, a fee of thirteen shillings and fourpence, and no more, and to the officer making out and delivering such certificate, a fee of two shillings and sixpence, and no more: provided nevertheless, that nothing herein contained shall extend to any case where any further discovery is wanted than what is hereinbefore expressly mentioned, nor to any case where the said Governor and Company claim any interest in or lien upon the said fund, but that in such cases it shall be necessary to make them a party to such suit, as if this Act had never been made; and that if any special matter shall arise, which in the opinion of the said Governor and Company shall affect their interests, or which might be objected against suffering such transfer of stock or payment of dividends, it shall be lawful for them to state such matter to the Court by motion or petition in such suit, and that execution of process to compel such transfer or payment shall be suspended until final order shall be made thereon.

On request of the clerk of the Court and the solicitor of the party, the Bank shall deliver a certificate stating the amount of such stock or dividends, &c., for which the fees herein specified shall be paid.

Act not to extend to any further discovery than herein mentioned, nor to any case where the Bank claim an interest in the fund, &c.

Section 3 enacts that in depending suits where the Government and Company of the Bank may have put in answer not claiming any interest in the stock, the bill shall stand dismissed against them.

The provisions aforesaid shall extend to the East-India Company and the South-Sea Company, where they have stock standing in their books which may become the subject of a suit in equity.

IV. And be it further enacted, that all the several regulations and provisions hereinbefore enacted, shall extend *mutatis mutandis* to every case where the United Company of Merchants of England trading to the East-Indies, or the Governor and Company of Merchants of Great Britain trading to the South Seas or other parts of America, have any stock standing in the books of such respective Corporations, which may now be or hereafter may become the subject of any suit in equity, or incidental thereto, saving to the said Corporations respectively the like right of being made a party, or applying by motion or petition in such suits, as is before reserved or given to the Governor and Company of the Bank of England.

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39 & 40 GEORGII III. Cap. LXXIX.

An Act *for establishing further Regulations for the Government of the British Territories in India, and the better Administration of Justice within the same.* [28*th July*, 1800.]

Preamble.

Whereas the territorial possessions of the United Company of Merchants of England trading to the East-Indies, in the peninsula of India, have become so much extended as to require further regulations to be made for the due government of the same: and whereas by an Act of Parliament, made and passed in the thirty-third year of the reign of his present Majesty, intituled, "An Act for continuing in the East-India Company, for a further Term, "the Possession of the British Territories in India, together with their exclusive Trade, under "certain Limitations; for establishing further Regulations for the Government of the said "Territories, and the better Administration of Justice within the same; for appropriating to "certain Uses the Revenues and Profits of the said Company; and for making Provision for "the good Order and Government of the Towns of Calcutta, Madras, and Bombay;" it is enacted, that the whole civil and military government of the presidency of Fort Saint George, on the coast of Coromandel, and the ordering, management, and government of all the territorial acquisitions and revenues on the said coast, and also so much and such parts of the territories and possessions on the coast of Orissa, with the revenues of the same, as had been and then were under the administration of the Government or Presidency of Fort Saint George, should be and were thereby vested in a Governor and three Counsellors of and for the said presidency of Fort Saint George, subject to such rules, regulations, and restrictions, as were therein mentioned: and that the whole civil and military government of the presidency and island of Bombay, on the coast of Malabar, and the ordering, management, and government of all the territorial acquisitions and revenues on the said coast of Malabar, should be and were thereby vested in a Governor and three Counsellors of and for the said presidency and island of Bombay, subject to the provision therein mentioned: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, it shall and may be lawful for the Court of Directors of the said Company for the time being to declare and appoint what part or parts of the said territorial acquisitions, or of any other now subject to the Government of the said presidency of Fort

33 G. 3, c. 52.

The Court of Directors may appoint what parts of the territorial acquisitions, revenues,

Saint George, or the said presidency of Bombay, together with the revenues arising therefrom, and the establishment of civil servants connected therewith respectively, shall from thenceforth hereafter be subject to the Government of either and which of the said presidencies, or of the presidency of Fort William in Bengal, and from time to time, as occasion may require, to revoke and alter in the whole or in part such appointment, and to make such new distribution of the same as to them shall seem fit and expedient, subject nevertheless, in all cases, to the superintendence, direction, and control of the Commissioners for the Affairs of India, in like manner as any acts or orders of the said Court of Directors are now by law subject; and all such territorial acquisitions, and the revenues arising therefrom, and the establishment of civil servants connected therewith, shall, from and after the time, and subject as to such time to the conditions and limitations to be by the said Court of Directors limited and appointed for such purposes respectively, be to all intents and purposes whatsoever annexed to and made subject to such presidency, and to the Court or Courts of Judicature established, or to be established, therein respectively.(1)

&c., shall be subject to either, and which of their presidencies, subject to the control of the Commissioners for the Affairs of India.

(1) [See also 3 & 4 Wm. 4, cap. 85, sec. 38, and 16 & 17 Vict. cap. 95, secs. 17 and 18.]

II. And whereas his late Majesty King George the Second did, by his Letters Patent bearing date at Westminster the eighth day of January, in the twenty-first year of his reign, grant unto the said United Company of Merchants of England trading to the East-Indies his royal Charter, thereby amongst other things constituting and establishing Courts of Civil, Criminal, and Ecclesiastical Jurisdiction at the United Company's respective settlements at Madraspatnam, Bombay, or the island of Bombay, and Fort William in Bengal: and whereas the said Charter, in so far as it respects the administration of justice at Madras, has been altered and changed, by virtue of an Act passed in the thirty-seventh year of his present Majesty, intituled, "An Act for the better Administration of Justice at Calcutta, Madras, and "Bombay; and for preventing British Subjects from being concerned in Loans to the Native "Princes in India;" and whereas the said Charter, so far as it respects the administration of justice at Fort William in Bengal, has also been altered and changed, by virtue of an Act passed in the thirteenth year of his present Majesty, intituled, "An Act for establishing "certain Regulations for the better Management of the Affairs of the East-India Company, as "well in India as in Europe," and by divers subsequent statutes: and whereas it may be expedient for the better administration of justice in the said settlement of Madras, that a Supreme Court of Judicature should be established at Madras, in the same form, and with the same powers and authorities, as that now subsisting, by virtue of the several Acts before mentioned, at Fort William in Bengal: be it therefore enacted, that it shall and may be lawful for his Majesty, his heirs and successors, by Charter or Letters Patent under the Great Seal of Great Britain, to erect and establish a Supreme Court of Judicature at Madras aforesaid, to consist of such and the like number of persons (1), to be named from time to time by his Majesty, his heirs and successors, with full power to exercise such civil, criminal, admiralty, and ecclesiastical jurisdictions, both as to natives and British subjects, and to be invested with such power and authorities, privileges and immunities, for the better administration of the same, and subject to the same limitations, restrictions, and control within the said Fort Saint George, and town of Madras, and the limits thereof, and the factories subordinate thereto, and within the territories which now are or hereafter may be subject to or dependent upon the said Government of Madras, as the said Supreme Court of Judicature at Fort William in Bengal, by virtue of any law now in force and unrepealed, or by this present Act, doth consist of, is

Letters Patent of G. 2, dated the 8th of January, in the 21st of his reign.

37 G. 3, c. 142, recited.

13 G. 3, c. 63.

His Majesty may establish a Supreme Court of Judicature at Madras, to consist of the like number of persons, &c., as the Supreme Court at Fort William.

invested with, or subject to, within the said Fort William, or the kingdoms or provinces of Bengal, Bahar, and Orissa.

(1) [A Chief Justice and two Puisne Judges. *Vide* 37 Geo. 3, cap. 142, sec. 1.]

How far the Governor and Council at Madras, and the Governor-General of Fort William, shall be exempted from the authority of the Court to be erected.

III. Provided always, that the Governor and Council at Madras, and the Governor-General of Fort William aforesaid, shall enjoy the same exemption, and no other, from the authority of the said Supreme Court of Judicature to be there erected, as is enjoyed by the said Governor-General and Council at Fort William aforesaid, from the jurisdiction of the Supreme Court of Judicature there already by law established.

If his Majesty shall erect a Supreme Court at Madras, the records, directed by recited Act of 37 G. 3, to be delivered over to the new Courts, and those belonging thereto shall be delivered over to the Supreme Court.

IV. And be it further enacted, that if his Majesty, his heirs or successors, shall grant such Charter as aforesaid, and erect such Supreme Court of Judicature at Madras as aforesaid, all the records, muniments, and proceedings whatsoever, of and belonging to the late Mayor's Court at Madras, or to the late Court of Oyer and Terminer and Gaol Delivery, which were, by the said Act passed in the thirty-seventh year of his present Majesty, directed to be delivered over, preserved, and deposited, to the new Courts erected by virtue of the said Act; and all the records, muniments, and proceedings whatsoever, of and belonging to any of the said new Courts, shall, from and immediately after such Supreme Court of Judicature as his Majesty is hereby empowered to erect shall be established at Madras, be delivered over to be preserved and deposited for safe custody in the said new Court of Judicature; to which all parties concerned shall and may have resort and recourse upon application to the said Court.

So much of the Charter of his present Majesty for erecting the Courts of Recorder at Madras, as relates to the appointment of a Recorder, &c., if a new Charter be granted, shall be void, and the powers granted by recited Act of 37 G. 3, may be exercised by the Supreme Court.

V. And be it further enacted, that so much of the Charter granted by his present Majesty, for erecting the Courts of the Recorder of Madras and Bombay, as relates to the appointment of such Recorder, and the erecting of such Courts of Judicature at Madras, in case a new Charter shall be granted by his Majesty, his heirs or successors, and shall be openly published at Madras, from and immediately after such publication shall cease and determine, and be absolutely void to all intents and purposes whatsoever; and all powers and authorities granted by the said Act of the thirty-seventh of his present Majesty to the said Courts of the Recorder at Madras, shall cease and determine, and be no longer exercised by the said Court, but the same shall and may be exercised by the Supreme Court of Judicature to be erected by virtue of this Act, in the manner and to the extent hereinbefore directed.

Section 6 prescribes the salaries to be paid to the Chief Justice and Judges; but these are now regulated by 6 Geo. 4, cap. 85, sec. 1.

When salaries shall commence, which shall be in lieu of all perquisites.

VII. And be it further enacted, that the said salaries shall commence and take place in respect to such persons who shall be resident in Great Britain at the time of their appointment, upon and from the day on which such persons shall embark from Great Britain (1), and that the salaries of all such persons who shall at the time of their appointment be resident in India, shall commence and take place from and after their respectively taking upon them the execution of their office as aforesaid; and that all such salaries shall be in lieu of all fees of office, perquisites, emoluments, and advantages whatsoever; and that no fees of office, perquisites, emoluments, or advantages whatsoever, shall be accepted, received, or taken in any manner, or on any account or pretence whatsoever, other than such salaries and allowances as are in and by this Act directed to be paid.

(1) [Salaries now commence in all cases from the period of entering upon office. *Vide* 53 Geo. 3, cap. 155, sec. 89.]

Section 8 provided for pensions to the Judges on retirement; but these are now regulated by 6 Geo. 4, cap. 85.

IX. Provided always, and be it hereby further enacted, that when either of the Judges of the Supreme Court of Judicature at Fort William, or of the Supreme Court of Judicature which his Majesty is hereby empowered to erect at Madras, or the Recorder of Bombay (1), shall respectively leave India, the salary now payable, or which may become payable under and by virtue of this Act, to any such Judge or Recorder respectively, shall cease and be no longer paid; any thing herein or in any former Act or Acts contained to the contrary thereof in anywise notwithstanding.

The salaries of the Judges of the Supreme Courts, and of the Recorder of Bombay, to cease on their leaving India.

(1) [There is now no Recorder of Bombay, a Supreme Court, resembling those previously erected at Fort William and Fort St. George, having been established at Bombay, under 4 Geo. 4, cap. 71.]

Section 10 provided for supplying the office of Recorder when vacant, and is omitted for the reason assigned in the note on section 9.

By section 11 the Governor and Council of Fort St. George were invested, within the territories subject to their government, with the same legislative power as had previously been given to the Governor-General and Council of Fort William (see 13 Geo. 3, cap. 63, sec. 36); but since the passing of the Act 3 & 4 Wm. 4, cap. 85, no authority in India but the Governor-General in Council possesses any legislative power.

XII. And be it further enacted, that if the Governor-General of Fort William in Bengal for the time being, or the Governor of the said presidency of Fort Saint George, and of the said presidency and island of Bombay respectively, for the time being, shall happen to be absent from any Council to be assembled for the said respective presidencies of Fort William and Fort Saint George, and the said presidency and island of Bombay, owing to indisposition or any other cause whatsoever, and shall signify such his intended absence to such Council so to be assembled, then and in every such case the senior member for the time being who shall be present at the Council so assembled, shall preside at such Council, in such manner, and with such full powers and authorities, during the time that such Council shall continue to be assembled, as such Governor-General or Governor might or would have had in case such Governor-General or Governor were himself actually present at such Council: provided nevertheless, that no act of any Council so held shall be valid to any effect whatsoever, unless the same shall be signed by such Governor-General or Governor respectively, if such Governor-General or Governor shall at the time be resident at the presidency at which such Council shall be so assembled, and shall not be prevented by such indisposition from signing

If the Governor-General of Fort William, or the Governor of Fort St. George, or of Bombay, shall signify his intended absence from the Council, the senior member present shall preside; but no act of such Council shall be valid, unless signed by the Governor-General, or Governor respectively, if resident at the presidency, and not prevented by indisposition; and if not so prevented, and he shall refuse to sign, he, and the members who shall have signed, shall mutually communicate the

grounds of their opinions, as directed by recited Act of 33 G. 3, where he shall, when present, dissent from the Council.

The Governor-General, when absent, may nominate a Vice-president and Deputy-governor of Fort William.

the same: provided always, that in case such Governor-General or Governor, not being so prevented as aforesaid, shall decline or refuse to sign such act of Council, he and the several members of the Council who shall have signed the same, shall mutually exchange with and communicate in writing to each other the grounds and reasons of their respective opinions, in like manner and subject to such regulations and ultimate responsibility of such Governor-General or Governor respectively, as are by the said Act, passed in the thirty-third year of the reign of his present Majesty (1), provided and directed, in cases where such Governor-General or Governor respectively shall, when present, dissent from any measure proposed or agitated in such Council respectively: provided also, that nothing herein contained shall be taken or construed to prevent such Governor-General, in case he shall be absent from his own Government of Bengal, to nominate a Vice-president and Deputy-governor of Fort William, according to the provision for that purpose in the said Act passed in the thirty-third year of his present Majesty.(2)

(1) [33 Geo. 3, cap. 52, secs. 47 to 51. See also 3 & 4 Wm. 4, cap. 85, secs. 49 and 70, and 16 & 17 Vict. cap. 95, sec. 23.]

(2) [See note explaining the omission of sec. 53 of 33 Geo. 3, cap. 52.]

Sections 13, 14, 15, and 16, relating to the transportation of offenders, were repealed by 9 Geo. 4, cap. 74, sec. 126.

The Governor-General and Council of Fort William, and the Governor and Council of Fort St. George, may order in what manner the Courts of Requests shall in future be formed, and to what amount the jurisdiction shall extend, &c.

XVII. And whereas great inconveniences have resulted from the manner in which the Courts of Requests for the recovery of small debts in the respective settlements of Fort William and Fort Saint George are constituted; be it therefore further enacted, that it shall and may be lawful to and for the Governor-General and Council of Fort William, and for the Governor and Council of Fort Saint George (1) aforesaid, for the time being respectively, to order and appoint in what manner the said courts respectively shall in future be formed, and to what amount in value, not exceeding the sum of four hundred sicca rupees, the jurisdiction of the same shall extend, and to frame and make such new rules and orders, and to establish and declare such new modes and forms of proceeding, as to them shall appear to be necessary and expedient for new-modelling, altering, and reforming the present constitution and practice of the said courts respectively, and by their proclamation, to be made and published in due form of law, to declare and notify to all persons concerned, such new constitution, rules, orders, modes, and forms of proceeding, and the time from whence they are to have force and effect; and from and after such time as shall be so respectively notified for that purpose, the present Courts of Requests, as well as the rules, orders, modes, and forms of proceeding which are now used and observed therein, shall be abolished and cease, and thenceforth the new court, rules, orders, modes, and forms of proceeding which the said Governor-General and Council are authorized and empowered, under and by virtue of this Act, to make and publish, shall be in full force and effect; any former Act or Acts to the contrary thereof in anywise notwithstanding.

(1) [The Government of Fort St. George has no longer any legislative power in ordinary circumstances, while the Governor-General of India in Council, under 3 & 4 Wm. 4, cap. 85, sec. 59, legislates for

all the presidencies. Under the authority given by the above Act, Courts of Requests with extended jurisdiction have been established, for which see note on section 30 of 37 Geo. 3, cap. 142.]

XVIII. And whereas the powers given by the Act of the thirteenth year of his present Majesty to the Governor-General and Council of the said United Company's settlement at Fort William aforesaid, to enforce the observance of such rules, ordinances, or regulations for the good order and civil government of the said settlement, and other factories and places subordinate to or to be subordinate thereto, as they are thereby authorized to make, by setting, imposing, and levying reasonable fines and forfeitures for the breach or non-observance of such rules, ordinances, and regulations, have not been found sufficient for the preservation of good order in the said settlement; be it therefore enacted, that it shall and may be lawful to and for the said Governor-General and Council for the time being, in addition to, or instead of, such fines and forfeitures as above mentioned, to order or appoint such moderate and reasonable corporal punishment, by public or private whipping, or otherwise, as to them shall seem fit and expedient, for the breach or non-observance of any such rules heretofore made, or hereafter to be by them made, by virtue of the authority hereinbefore recited, subject nevertheless to such registry (1), publication, approbation, power of appeal, and other regulations, as in and by the said recited Act, passed in the thirteenth year of his present Majesty, are prescribed and provided touching the rules, ordinances, regulations, fines, and forfeitures therein and hereinbefore mentioned.(2)

The Governor-General and Council at Fort William may order corporal punishment for breach of rules made under authority of the recited Act of 13 G. 3.

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 45, no registry or publication in any Court of Justice is necessary. See also Act of Government of India, No. 3 of 1844.]

(2) [Under 3 & 4 Wm. 4, cap. 85, sec. 43, an almost unrestricted power of legislation for the whole of India is committed to the Governor-General of India in Council.]

XIX. Provided always, and be it further enacted, that no such corporal punishment shall in any case be ordered to be inflicted, except only in case of due conviction of the offender before two (1) Justices of the Peace acting in and for the said settlement, presidencies, and places thereto subordinate, which offence such two (1) Justices of the Peace are hereby authorized and empowered to hear and determine, and to order such punishment upon conviction as aforesaid: provided also, that no such conviction, judgment, or order, shall be reviewed or brought into any superior Court by writ of *certiorari* or appeal, or any other process whatsoever; any thing in any former Act or Acts to the contrary thereof in anywise notwithstanding.

No corporal punishment to be ordered, except on conviction before two Justices.

No conviction to be reviewed.

(1) [*Vide* Acts of Government of India, Nos. 4 of 1835, and 32 of 1838, in Appendix. It will be observed that this part of the Act is applicable to Fort William only and its dependencies.]

XX. And whereas the province or district of Benares has been ceded to the said United Company, and been annexed to the said presidency of Fort William in Bengal, since the establishment of the said Supreme Court of Judicature at Fort William aforesaid, and it is

From March 1, 1801, the power of the Supreme Court of Judicature of Fort William

shall extend over the province of Benares, and all places subordinate thereto, and all districts hereafter annexed to the presidency.

expedient that the same should be subject to the jurisdiction of the said Court, in like manner as the kingdoms or provinces of Bengal, Bahar, and Orissa; and that the said province or district, and all other provinces or districts which may hereafter be at any time annexed and made subject to the said presidency, should be subject to such regulations as the Governor-General and Council of Fort William aforesaid have framed or may frame for the better administration of justice among the native inhabitants and others within the same respectively; be it therefore further enacted, that, from and after the first day of March which will be in the year of our Lord one thousand eight hundred and one, the power and authority of the said Supreme Court of Judicature in and for the said presidency of Fort William aforesaid, as now and by virtue of this Act established, and all such regulations as have been or may be hereafter, according to the powers and authorities, and subject to the provisions and restrictions before enacted, framed, and provided, shall extend to and over the said province or district of Benares, and to and over all the factories, districts, and places which now are or hereafter shall be made subordinate thereto, and to and over all such provinces and districts as may at any time hereafter be annexed and made subject to the said presidency of Fort William aforesaid.

From March 1, 1801, whenever any British subject shall die within either of the presidencies or subordinate territories, and no next of kin or creditor shall appear, the register of the Ecclesiastical Court shall apply for letters of administration, and shall collect the assets of the deceased, and bring them into court, and account for them.

XXI. And whereas great inconveniences have arisen from the practice of granting letters of administration by the said Supreme Court of Judicature at Fort William aforesaid, in cases where the next of kin, or any of the creditors of the deceased, do not apply for the same, to persons calling themselves friends of the deceased; be it therefore further enacted, that from and after the first day of March which will be in the year of our Lord one thousand eight hundred and one, whenever any British subject shall die intestate within either of the presidencies of Fort William, Fort St. George, or Bombay, or the territories subordinate to either of the said presidencies, or to become subordinate thereto, and on return of the citation to be issued from the proper Ecclesiastical Court, no next of kin or creditor shall appear and make out their claim to the administration of the effects of the intestate deceased to the satisfaction of the said Court, it shall and may be lawful for the Register (1) of such Court respectively, and he is hereby required, to apply for, and such Court is hereby required and directed to grant, such letters *ad colligenda*, or of administration, as to such Court shall seem meet; by virtue whereof such Register shall collect the assets of the deceased, and shall bring them for safe custody into such court, and account for them regularly, in like manner as is now by law provided in cases where assets are vested in the hands of any officer of the Court, under or by virtue of the equitable jurisdiction of any such Court.(2)

(1) [Under Act of Government of India, No. 7 of 1849, the duties of the Register in this respect at Fort William, are transferred to an officer called Administrator-general; and by No. 2 of 1850, similar officers were appointed at Fort St. George and Bombay, who, however, might also be Ecclesiastical Registrars, though the two offices were separated at Calcutta.]

(2) [The 55 Geo. 3, cap. 84, sec. 2, provides for granting administration to attorneys of absent executors, administrators, or persons entitled to administration, in preference to the Register.]

When any next of kin or creditor, who shall

XXII. Provided always, and be it further enacted, that when any next of kin or creditor, who, at the time of the return of the above citation, shall have been absent in Europe or

elsewhere, shall make and establish their claim to the administration of the assets of such intestate, the letters *ad colligenda*, or of administration, granted by virtue of this Act to the said Register, shall be recalled, and administration in due form granted to such next of kin or creditor respectively.(1)

have been absent, shall make out his claim, the letters of administration to the Register shall be recalled, and letters granted to the claimant.

(1) [The 55 Geo. 3, cap. 84, sec. 3, directs the revocation of letters of administration granted to the Register, on the application of appointed attorneys, where no unreasonable delay takes place.

[The same Act (sec. 5) provides for the keeping, inspection, and publication of accounts of estates to which the Register has administered. The Act of the Government of India, No. 7 of 1849, also makes full provision on this subject. By Act of Government of India, No. 19 of 1841, sec. 20, whenever a person dies leaving moveable or immoveable property within the local jurisdiction of any of her Majesty's Supreme Courts, and such Court shall be satisfied that danger is to be apprehended of the misappropriation and waste of the property before it can be ascertained who may be legally entitled to the succession, the Court may authorize the Ecclesiastical Registrar (now the Administrator-general) or one or more Curators, to collect the effects, and hold, deposit, or invest them under its orders.]

Section 23 provides for extending to insolvent debtors in India the relief intended by 32 Geo. 2, cap. 28, commonly called the Lords' Act; but by 1 & 2 Vict. cap. 110, sec. 119, no prisoner for debt is to petition any Court for his discharge under the Lords' Act, nor is any creditor to petition any Court for the exercise of the compulsory powers of that Act against debtors. Section 24 ratifies any rules and orders previously made by the Court for the relief of insolvents, and confirms the acts done under them.

XXV. And whereas it may be expedient for his Majesty, his heirs or successors, to issue a Commission from his High Court of Admiralty in England, for the trial and adjudication of prize causes, and other maritime questions arising in India; be it therefore further enacted, that it shall and may be lawful for his Majesty, his heirs and successors, to nominate and appoint all or any of the Judges of the Supreme Court of Judicature at Fort William aforesaid, or of the Supreme Court of Judicature to be erected as aforesaid at Madras, or the Court of the Recorder at Bombay, either alone, or jointly with any other persons to be named in such Commission, to be Commissioners for the purpose of carrying such Commission so to be issued as aforesaid into execution; any Act or Acts to the contrary thereof in anywise notwithstanding.

His Majesty may appoint Commissioners for carrying into execution a commission for the trial and adjudication of prize causes, &c., in India.

42 GEORGII III. Cap. LXXXV.

An Act *for the Trying and Punishing in Great Britain Persons holding public Employment, for Offences committed Abroad; and for extending the Provisions of an Act, passed in the twenty-first year of the reign of King James, made for the ease of Justices and others in pleading in Suits brought against them, to all Persons, either in or out of this Kingdom, authorized to commit to safe custody.*

[22*nd June*, 1802.]

Whereas persons holding and exercising public employments out of Great Britain often escape punishment for offences committed by them, for want of Courts having a sufficient jurisdiction, in or by reason of their departing from the country or place where such offences, have been committed, and that such persons cannot be tried in Great Britain for such offences as the law now stands, inasmuch as such offences cannot be laid to have been committed within the body of any county: and whereas it is therefore expedient that such and the like provisions as are contained in an Act passed in the eleventh and twelfth years of the reign of his late Majesty King William the Third, intituled, "An Act to punish Governors of "Plantations of this Kingdom for Crimes by them committed in the Plantations," and in an Act passed in the thirteenth year of the reign of his present Majesty, intituled, "An Act for "establishing certain Regulations for the better Management of the Affairs of the East-India "Company, as well in India as in Europe," and in an Act passed in the twenty-fourth year of the reign of his present Majesty, intituled, "An Act for the better Regulation and "Management of the Affairs of the East-India Company, and of the British Possessions in "India, and for establishing a Court of Judicature for the more speedy and effectual Trial of "Persons accused of Offences committed in the East-Indies," should be extended and applied to the punishment of such offenders: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that, from and after the passing of this Act, if any person who now is, or heretofore has been, or shall hereafter be employed by or in the service of his Majesty, his heirs or successors, in any civil or military station, office, or capacity out of Great Britain, or shall heretofore have had, held, or exercised, or now has, holds, or exercises, or shall hereafter have, hold, or exercise any public station, office, capacity, or employment, out of Great Britain, shall have committed, or shall commit, or shall have heretofore been, or is, or shall hereafter be guilty of any crime, misdemeanor, or offence, in the execution, or under colour, or in the exercise of any such station, office, capacity, or employment as aforesaid, every such crime, offence, or misdemeanor may be prosecuted or inquired of, and heard and determined in his Majesty's Court of King's Bench here in England, either upon an information exhibited by his Majesty's Attorney-General, or upon an indictment found; in which information or indictment such crime, offence, or misdemeanor may be laid and charged to have been committed in the county of Middlesex; and all such persons so offending, and also all persons tried under any of the provisions of the said recited Act, passed in the reign of King William aforesaid, or this Act, or either of them, for any offence, crime, or misdemeanor, and not having been before tried for the same out of Great Britain, shall, on conviction, be liable to such punishment as may, by any law

11 & 12 Wm. 3, c. 12.

13 G. 3, c. 63.

24 G. 3, c. 25.

Offences committed by persons employed in any public service abroad may be prosecuted in the Court of King's Bench in England, and may be laid in Middlesex, and the offenders punished as if the offences had been committed in England.

or laws now in force, or any Act or Acts that may hereafter be passed, be inflicted for any such crime, misdemeanor, or offence committed in England, and shall also be liable, at the discretion of his Majesty's Court of King's Bench, to be adjudged to be incapable of serving his Majesty in any station, office, or capacity, civil or military, or of holding or exercising any public employment whatever.

The Court of King's Bench, on motion, may award a writ of *mandamus* to any Court of Judicature, or the Governor, &c., of the country where the offence was committed, to obtain proofs of the matters charged in the indictment, which shall be done by *vivâ voce* evidence, and the same shall be transmitted to the Court of King's Bench, and admitted on the trial, &c.

II. And be it further enacted, that in all cases of indictments found or informations exhibited under and by virtue of this Act, it shall be lawful for his Majesty's said Court of King's Bench, upon motion to be made, and such notice thereof as to the said Court of King's Bench may appear to be sufficient, by or on behalf of his Majesty's Attorney-General or other prosecutor, or of the defendant or defendants, to award, at the discretion of the said Court, a writ or writs of *mandamus* to any Chief Justice and Judges, or any Chief Justice or other Judge, singly for the time being, of any Court or Courts of Judicature in the country or island, or near to the place where the crime, offence, or misdemeanor shall be charged in such indictment or information to have been committed, or to any Governor or Lieutenant-Governor, or other person having any chief authority in such country, island, or place, or to any other person or persons residing there, as the case may require, and as to the said Court of King's Bench may, under all the circumstances of the case, seem most expedient, for the purpose of obtaining and receiving proofs concerning the matters charged in any such indictment or information; and the person or persons to whom such writ or writs shall be directed and sent, are hereby respectively authorized and required to hold a Court, Session, or Meeting, with all convenient speed, for the examination of witnesses and receiving other proofs concerning the matters charged in such indictment or information respectively; and in the mean time to cause public notice to be given of the holding the said Court, Session, or Meeting, and to issue such summons or other process as may be requisite for the attendance of witnesses, and to adjourn from time to time as occasion may require; and such examination or examinations shall be then and there openly and publicly taken, *vivâ voce*, in the said Court, Session, or Meeting, upon questions put by any such prosecutor or prosecutors, defendant or defendants, or any agent or agents, person or persons on behalf of the said Attorney-General or other prosecutor or prosecutors, and defendant or defendants respectively, if any such shall attend for that purpose, and by the Court, person or persons to whom such writ shall be directed and sent as aforesaid, upon the respective oaths of witnesses, and the oaths of skilful interpreters if necessary, administered according to the forms of their several religions, and shall, by some officer or person sworn for that purpose, be reduced into writing on parchment or paper; and in case any duplicate or duplicates shall be required by or on behalf of the prosecutor, or the defendant or defendants respectively, into two or more writings on parchment or paper, as the case may require; and such examination or examinations shall be sent to his Majesty in his Court of King's Bench closed up, and under the seal or seals of the person or persons before whom such examination or examinations as aforesaid shall have been taken; and the person or persons taking such examination or examinations as aforesaid shall deliver the same to any person or persons appointed by the said Court of King's Bench to receive the same, or shall transmit the same in such manner as the said Court of King's Bench shall direct; and all such examinations shall, with all convenient speed, be delivered to one of the clerks in court of his Majesty's Court of King's Bench, in the Crown Office of the said Court for the safe custody thereof; and every clerk in the said Court of King's Bench, to whom any examination or examinations shall be delivered, is hereby authorized to administer an oath to the person delivering the same to him, in such form as the said Court of King's Bench shall direct; and such

examination or examinations shall be allowed and read upon the trial of any such indictment, or information, or any other subsequent proceeding thereon or relating thereto, and shall be deemed as good and competent evidence as if the witness or witnesses, whose examination or examinations shall be so read, had been present, and sworn, and examined *vivâ voce*, at such trial, any law or usage to the contrary notwithstanding, saving all just exceptions to be taken to any such examination or examinations, or any part thereof, when the same shall be offered to be read as aforesaid; and all persons concerned shall be entitled to take copies of such examinations in the custody of such clerk in court at their own cost and charges.

Court of King's Bench may order an examination *de bene esse*, in cases where *vivâ voce* evidence cannot be had.

III. And be it further enacted, that it shall also be lawful for the said Court of King's Bench, upon motion to be made, and such notice thereof as aforesaid, by or on behalf of his Majesty's Attorney-General, or other prosecutor, or defendant or defendants, in any such indictment or information, to order an examination *de bene esse* of witnesses upon interrogatories, in any case where the *vivâ voce* testimony of such witnesses cannot conveniently be had, to be taken before an examiner to be appointed by the said Court; and the depositions taken upon such interrogatories shall be afterwards admitted to be read in evidence upon the trial of such indictment or information, or in any other subsequent proceeding thereon or relating thereto, and shall be deemed good and sufficient evidence in the law, saving all just exceptions to be taken to such depositions when the same shall be offered to be read as aforesaid.

Persons to whom such writs of *mandamus* shall be directed, shall do all things necessary for the due execution thereof by compelling the appearance and giving evidence of witnesses, &c.

IV. And be it further enacted, that it shall be lawful for any person or persons to whom any such writ or writs of *mandamus* shall be directed or order sent as aforesaid; and in case the same shall be directed or sent to more than one person, for so many of them as shall for that purpose be appointed by the said writ, or required by the said order, and who shall act in the execution thereof; and such person and persons is and are hereby respectively authorized and required to administer all oaths required to be taken under any of the provisions of this Act, or necessary for the due execution of any such writ or order, or any act, matter, or thing relating thereto, and to examine upon oath all persons whom he or they find occasion to summon, and all other persons whom he or they shall think fit to examine, touching all matters and things necessary for the due execution of any such writ or order as aforesaid: and such person and persons respectively, to whom such writ shall be directed, or order sent as aforesaid, or so many of them as shall in that behalf be appointed, and shall act in the execution thereof as aforesaid, shall have full power and authority to compel the appearance and giving evidence of any witness upon any such writ or order, and to issue special summons, or other process for that purpose, and may proceed upon such summons, or other process, by imprisonment of the body of any person refusing to appear or give evidence, in like manner as any Court or Courts of Record within this kingdom, having competent authority for that purpose, may proceed against any person or persons for any contempt committed against the authority of any such Court.

Persons giving false evidence shall be subject to the pains inflicted for perjury.

V. And be it further enacted, that in case any person or persons in the course of his, her, or their examination upon oath, under and by virtue of the said recited Act of the twenty-fourth year of his present Majesty, or this Act, shall wilfully and corruptly give false evidence, such person or persons so offending, and being thereof duly convicted, shall be, and is and are hereby declared to be, subject and liable to such pains and penalties, as persons guilty of wilful and corrupt perjury shall be liable to by any law or laws then in force in the kingdom, island, or place where such false evidence shall have been given as aforesaid.

VI. And whereas it is expedient to extend the provisions of an Act passed in the twenty-first year of the reign of his Majesty King James the First, intituled, " An Act to enlarge " and make perpetual the Act made for Ease in pleading against troublesome and contentious " Suits prosecuted against Justices of the Peace, Mayors, Constables, and certain other his " Majesty's Officers, for the lawful Execution of their Office, made in the seventh year of " his Majesty's most happy reign," to all persons who may by law commit to safe custody, either in or out of this kingdom; be it therefore enacted, that, from and after the passing of this Act, the said recited Act, and all the provisions therein contained, shall extend, and be deemed, taken, and construed to extend, to all persons having, holding, or exercising, or being employed in, or who may hereafter have, hold, or exercise, or be employed in any public employment, or any office, station, or capacity, either civil or military, either in or out of this kingdom; and who under and by virtue, or in pursuance of any Act or Acts of Parliament, law or laws, or lawful authority within this kingdom, or any Act or Acts, statute or statutes, ordinance or ordinances, or law or laws, or lawful authority in any plantation, island, colony, or foreign possession of his Majesty, now have or may hereafter have, by virtue of any such public employment, or such office, station, or capacity, power or authority to commit persons to safe custody: and all such persons, having such power or authority as aforesaid, shall have and be entitled to all the privileges, benefits, and advantages given by the provisions of said Act as fully and effectually, to all intents and purposes, as if they had been specially named therein: provided always, that where any action, bill, plaint, or suit upon the case, trespass, battery, or false imprisonment, shall be brought against any such person as is in this Act described as aforesaid, in this kingdom, for or upon any act, matter, or thing done out of this kingdom, it shall be lawful for the plaintiff bringing the same to lay such act, matter, or thing to have been done in Westminster, or in any county where the person against whom any such action, bill, plaint, or suit, shall be brought, shall then reside; any thing in this Act to the contrary thereof notwithstanding.

21 Jac. 1, c. 12.

Recited Act shall extend to persons having public employment, and who by law are empowered to commit persons to safe custody.

Where any action shall be brought for any thing done out of this kingdom, it may be laid in Westminster, or in any county where the defendant shall reside.

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44 GEORGII III. Cap. III.

An Act *to regulate the Bonds issued by the East-India Company, with respect to the Rate of Interest, and the Duty payable thereon.* [15*th December*, 1803.]

This Act laid down rules affecting the levy of the Property Tax, then existing, on the interest upon East-India Bonds. That tax ceased many years since, and the Act 44 Geo. 3, cap. 3, does not apply to the Property Tax levied under more recent enactments. The rest of the Act related to the rate of interest on East-India Bonds, but subsequently to its passing, a series of changes were made in the Usury Laws, which laws ultimately, by 17 & 18 Vict. cap. 90, were altogether abolished. The entire Act has therefore become obsolete.

45 GEORGII III. Cap. XXXVI.

An Act *to enable the East-India Company to appoint the Commander-in-chief on the Bengal Establishment to be a Member of the Council of Fort William in Bengal, notwithstanding the Office of Governor-General of Fort William, and the Office of Commander-in-chief of all the Forces in India, being vested in the same Person.*

[10*th April*, 1805.]

The Court of Directors may appoint the commander of the forces of the Company on the Bengal establishment to be a member of the Council of Fort William, notwithstanding the office of Governor-General and Commander-in-chief be vested in the same person:

Whereas it is expedient that the Court of Directors of the United Company of Merchants of England trading to the East-Indies should be authorized and empowered, if they shall think fit, to appoint the commander of the military forces of the said United Company on the Bengal establishment to be a member of the Supreme Council of Fort William in Bengal, notwithstanding the office of Governor-General of Fort William aforesaid, and the office of Commander-in-chief of all the forces in India, shall be vested in the same person; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for the Court of Directors of the said United Company specially to authorize and appoint the commander of the military forces of the said United Company on the Bengal establishment to be a member of the said Supreme Council of Fort William aforesaid, notwithstanding the office of Governor-General of Fort William aforesaid, and the office of Commander-in-chief of all the forces in India, shall be vested in the same person.

and such commander shall have rank at the Board next to the Governor-General, but shall not succeed to the government in case of vacancy, unless provisionally appointed to supply the same.
33 G. 3, c. 52.

II. And be it enacted, that when any such commander of the military forces of the said United Company on the Bengal establishment shall be appointed a member of the said Supreme Council, such commander shall have rank and precedence at the Council Board next to the Governor-General, but he shall not succeed to the government of such presidency on the happening of a vacancy in the office of Governor-General, unless such commander of the military forces of the said United Company on the Bengal establishment shall have been provisionally appointed to supply the same; but such vacancy shall be supplied by the councillor next in rank at the Council Board to such commander of the military forces of the said United Company on the Bengal establishment, any thing contained in an Act passed in the thirty-third year of the reign of his present Majesty, intituled, "An Act for continuing in "the East-India Company for a further term the Possession of the British Territories in "India, together with their exclusive Trade, under certain Limitations; for establishing "further Regulations for the Government of the said Territories, and the better Administra-"tion of Justice within the same; for appropriating to certain Uses the Revenues and "Profits of the said Company; and for making Provision for the good Order and Govern-"ment of the Towns of Calcutta, Madras, and Bombay;" or any other law, usage, or custom, to the contrary thereof in anywise notwithstanding.

By 33 Geo. 3, cap. 52, sec. 30, a Commander-in-chief is not to succeed on a vacancy in the office of Governor-General or Governor

of a presidency, unless provisionally appointed. The two sections above are in substance re-enacted, as affects the Supreme Council of India, by 3 & 4 Wm. 4, cap. 85, secs. 40 and 62.

III. Provided always, and be it enacted, that any commander so to be appointed a member of the said Supreme Council as hereinbefore is mentioned shall be subject to recall by the same persons and in the same manner, and shall have the same powers, franchises, and authorities, in all respects as a Member of Council, as if he had been appointed thereto as Commander-in-chief of all the forces in India. Such commander so appointed a member of the Council shall be subject to recall.

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47 GEORGII III. Sess. 2. Cap. XLI.

An Act *to enable the East-India Company to raise Money upon Bond instead of increasing their Capital Stock.* [*8th August*, 1807.]

Whereas, by virtue of an Act made in the thirty-third year of his present Majesty's reign, intituled, "An Act for placing the Stock, called East-India Annuities, under the Management of the Governor and Company of the Bank of England, and ingrafting the same on the Three Pounds per Centum Reduced Annuities, in redemption of a Debt of four millions two hundred thousand Pounds, owing by the Public to the East-India Company; and for enabling the said Company to raise a Sum of Money by a further increase of their Capital Stock, to be applied in discharge of certain Debts of the said Company;" and by virtue of another Act, made in the thirty-fourth year of his said Majesty's reign, intituled, "An Act to empower the East-India Company to continue a Bond Debt of two millions, and to increase the same by a further sum as circumstances may require," the said Company are authorized and empowered to raise money upon bonds under their common seal, and to continue a bond debt to the amount of three millions of pounds sterling, and no more: and whereas by an Act made in the thirty-seventh year of his said Majesty's reign, intituled, "An Act to enable the East-India Company to raise Money by further increasing their Capital Stock; and to extend the Provisions now existing respecting the present Stock of the Company to the said increased Stock;" the said United Company were authorized and empowered to raise money by enlarging their then present capital stock or fund of six millions of pounds, to any sum or sums not exceeding the further sum of two millions capital stock, so that their whole capital stock should not exceed the capital sum of eight millions; but the said United Company have not yet enlarged their capital stock under and by virtue of the powers contained in the said last-mentioned Act: and whereas it is expedient that the said Company should be permitted to increase their bond debt by a further sum, not exceeding two millions sterling, as circumstances may require, instead of increasing their capital stock: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for the said Company, by

33 G. 3, c. 47.

34 G. 3, c. 41.

37 G. 3, c. 31.

Company may borrow any further sum not exceeding £2,000,000.

and with the approbation and consent of the Board of Commissioners for the Affairs of India for the time being, at any time or times hereafter, to borrow, upon bonds to be issued under their common seal, any further sum or sums of money, not exceeding in the whole the sum of two millions sterling, over and above such sum and sums as the said Company can now lawfully raise on their bonds, and to apply the money so to be borrowed and raised for such purposes as, under and by virtue of the said Act of the thirty-seventh year of his said Majesty's reign, the money to be raised by enlarging the capital stock of the said Company is applicable; any thing contained in the said recited Act, or in any other Act notwithstanding.

Section 2 enacted that the money raised by enlarging the capital stock should be applied to the discharge of the bond debt; but this was repealed by 51 Geo. 3, cap. 64, sec. 2. The amount of the bond debt has been fluctuating. A statement of the particulars of its origin, progress, and variations, will be found in the note on 34 Geo. 3, cap. 41.

Section 3 declares this a public Act.

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47 GEORGII III. Sess. 2. Cap. LXVIII.

An Act *for the better Government of the Settlements of Fort Saint George and Bombay; for the Regulation of Public Banks; and for amending so much of an Act, passed in the thirty-third year of his present Majesty, as relates to the Periods at which the Civil Servants of the East-India Company may be employed in their service abroad.* [13*th August*, 1807.]

The first three sections of this Act confer certain legislative powers on the Governments of the two subordinate presidencies, which are rendered void by the enactment of the 3 & 4 Wm. 4, constituting the Governor-General in Council the sole legislative authority in India.

Governors and Members of the Council at Madras and Bombay may act as Justices of the Peace for the said towns:

IV. And be it further enacted, that the Governor and Members of the Council for the time being of Fort Saint George, and the Governor and Members of the Council for the time being of Bombay respectively, shall and may, and they are hereby respectively declared to be, and to have full power and authority to act as Justices of the Peace for the said towns of Madras and Bombay respectively, and for the several settlements and factories subordinate thereto respectively, and to do and transact all matters and things which to the office of a Justice or Justices of the Peace do belong and appertain; and for that purpose the said

Governor and Council of Fort Saint George, and the said Governor and Council of Bombay, are hereby respectively authorized and empowered to hold Quarter Sessions within the said settlements of Fort Saint George and Bombay aforesaid respectively, four times in every year, and the same shall respectively be, at all times, Courts of Record.

V. And be it further enacted, that it shall and may be lawful to and for the Governor in Council of Fort Saint George, and the Governor in Council of Bombay respectively, for the time being, by commissions to be from time to time issued under the seals of the Supreme Court of Judicature of Fort Saint George, and the Court of the Recorder of Bombay (1) respectively, in the name of the King's Majesty, his heirs and successors, such commissions as shall be issued under the seal of the Supreme Court of Judicature of Fort Saint George, to be tested in the name of the Chief Justice of the said Court, and such commissions as shall be issued under the seal of the Court of the Recorder of Bombay (1), to be tested in the name of the Recorder (1) of the said Court (which said commissions the said Supreme Court of Judicature at Fort Saint George and the said Court of the Recorder at Bombay (1), are hereby respectively authorized and required from time to time, by any order or warrant from the said Governor in Council of Fort Saint George and Bombay respectively, to issue accordingly), to nominate and appoint such and so many of the covenanted servants of the said Company, or other British inhabitants, (2) as the said Governor in Council of Fort Saint George, and the said Governor in Council of Bombay respectively, shall think properly qualified to act as Justices of the Peace within and for the said provinces and presidencies, and places thereto subordinate respectively; and such persons shall, according to the tenor of the respective commissions wherein they shall be so nominated and appointed, and by virtue thereof, and of this Act, have full power and authority to act as Justices of the Peace, according to the tenor of the same commissions wherein they shall be respectively named, in and for the provinces and presidencies aforesaid, and places subordinate thereto respectively; and the said Supreme Court of Judicature at Fort Saint George, and the Court of the Recorder of Bombay (1) respectively, upon any requisition in writing from the said Governor in Council of Fort Saint George and Governor in Council of Bombay respectively, shall and may from time to time supersede such commissions, and upon like requisitions issue new commissions for the purposes aforesaid, (3) unto the same or such other of the covenanted servants of the said Company, or other British inhabitants (2), as shall from time to time be so nominated by the said Governor in Council of Fort Saint George, and Governor in Council of Bombay respectively, in that behalf, all which commissions shall be filed of record in the respective Courts of Oyer and Terminer of the province, presidency, or place, wherein and for which the same shall be issued as aforesaid; and all such Justices of the Peace and their proceedings shall be subject and liable to such rules, regulations, and restrictions, as under and by virtue of any Act or Acts of Parliament now in force, the Justices of the Peace to be appointed by the Governor-General in Council of Fort William aforesaid, and their proceedings, are or may be subject or liable to.

and issue commissions for appointing Justices in the places subordinate thereto.

(1) [The Office and Court of the Recorder at Bombay have ceased to exist; their powers and duties having been transferred, under 4 Geo. 4, cap. 71, to a Supreme Court.]

(2) [By 2 & 3 Wm. 4, cap. 117, sec. 1, all residents not being subjects of a foreign state are eligible.]

(3) [See Act of Government of India, No. 6 of 1845.]

Repeal of provision in 33 G. 3, c. 52, for enabling the Governor-General in Council at Fort William to appoint Justices for the Presidencies at Madras and Bombay.

VI. And be it further enacted, that from and after the first day of March, one thousand eight hundred and eight, so much of the Act passed in the thirty-third year of the reign of his present Majesty, intituled, "An Act for continuing in the East-India Company for a "further Term the Possession of the British Territories in India, together with their "exclusive Trade, under certain Limitations; for establishing further Regulations for the "Government of the said Territories, and the better Administration of Justice within the "same; for appropriating to certain Uses the Revenues and Profits of the said Company, "and for making Provision for the good Order and Government of the Towns of Calcutta, "Madras, and Bombay," as authorizes the Governor-General in Council of Fort William in Bengal to nominate and appoint any person or persons to be or act as Justices of the Peace within and for any of the provinces, presidencies, or places subordinate to the said Governor in Council of Fort Saint George, and Governor in Council of Bombay respectively, or to supersede any commissions of the peace, shall be and is hereby repealed: provided always, that such repeal shall in nowise prejudice or affect the authority of any person or persons theretofore appointed by the said Governor-General in Council of Fort William, to be and act as Justices of the Peace within and for any of the provinces, presidencies, or places subordinate to the said Governor in Council of Fort Saint George, and Governor in Council of Bombay respectively, until the commissions to such persons shall be superseded by the Governor in Council of Fort Saint George, or the Governor in Council of Bombay respectively.

The seventh section relates to the periods of residence in India necessary to qualify for a given amount of salary; but as these have been altered by subsequent regulations, the latter part of the section only is here retained.

VII. * * * * * * * * *

And whereas the said Company have lately established a College in England for the appropriate education of young men designed for their civil service in India, and it will therefore be expedient that, under certain circumstances, the time spent by such young men in the said College, after they shall have attained the age of seventeen years, should entitle them to the same privileges as they would have been entitled to if they had been resident during such time in India: be it therefore enacted, that from and immediately after the passing of this Act all such time, not exceeding two years, as shall be *bonâ fide* spent in the said College in the regular course of such education as aforesaid by any persons after they shall respectively have attained the age of seventeen years, provided they shall *bonâ fide* spend, either before or after seventeen years of age, two years (1) at least in the said College, in the regular course of such education, and shall afterwards go to India in the civil service of the said Company, shall be accounted, as to the offices, places, and employments, which such persons are entitled to be appointed to and to hold, as so much time actually spent in India; the said Act, or any other law or usage to the contrary thereof in anywise notwithstanding.

Time not exceeding two years, spent in the College established in England, shall be deemed time spent in India.

(1) [By 10 Geo. 4, cap. 16, sec. 2, the time spent at College after seventeen, not exceeding two years, is to be accounted as spent in India, without reference to the completion of two years' collegiate residence.]

VIII. And whereas it may be expedient that public banks for the deposit and loan of money, and the negotiation of securities, and other purposes, should be established in the East-Indies, and that the individuals who may become members thereof should be incorporated under and by the authority of the respective Governments in the East-Indies; but doubts have been entertained, whether the powers of those Governments are competent to the establishment of such banks within the local limits of the jurisdictions of the several Courts of Justice in India, which have been established by his Majesty's Charters; and it is expedient that such doubts should be removed; be it therefore enacted, and it is hereby enacted and declared, that it shall and may be lawful to and for the several Governments in the East-Indies to establish such public banks, with perpetual succession, and such rights, privileges, franchises, and immunities, as are incidental or are usually granted to corporations legally erected in that part of the United Kingdom of Great Britain and Ireland called England, and under and subject to such terms and conditions as they shall see fit; and that the several persons who shall be so incorporated, and their heirs, executors, administrators, and assigns, shall have, hold, enjoy, and be entitled to all such rights, privileges, franchises, and immunities, as well within as beyond the local limits of the jurisdiction of the several Courts of Justice so established as aforesaid, according to the true intent and meaning of the several orders or Acts, by virtue of which any such banks or corporations shall be so established: provided always, that the establishment of any such banks or corporations shall not be valid or effectual, until they shall have received the approbation of the Court of Directors of the said Company, subject to the control of the Board of Commissioners for the Affairs of India for the time being.

The Governments in India may establish public banks there.

IX. And be it enacted, that it shall and may be lawful to and for all persons whomsoever, in the service of the said Company, and for all the Judges of the several Courts of Justice in India, to subscribe to and become members of any such bank or corporation as aforesaid, and that it shall be lawful to and for any person or persons in the service of the said Company, to be elected or appointed, or to become directors or managers thereof; any thing contained in the said Act of the thirty-third year of his present Majesty's reign, or any other Act of Parliament, to the contrary thereof in anywise notwithstanding.

All persons in the service of the Company may subscribe to them.

X. Provided always, and be it further enacted, that no Judge of any of the said Courts of Justice in India, established by his Majesty's Charter, shall be capable of being appointed to or holding the office of the director or manager of any such bank or corporation.

No Judge to be a Director.

Section 11 declares this to be a Public Act.

48 GEORGII III. Cap. CVI.

An Act *to remedy the Inconvenience which has arisen, and may arise, from the Expiration of Acts, before the passing of Acts to continue the same.* [25*th June*, 1808.]

Whereas Bills for the continuing of Acts in force only for a limited time have sometimes not passed before the expiration of the Act intended to be continued; and great inconvenience may arise therefrom; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that where any Bill may have been or shall be introduced into this present or any future session of Parliament, for the continuance of any Act which would expire in such sessions, and such Act shall have expired before the Bill for continuing the same shall have received the royal assent, such continuing Act shall be deemed and taken to have effect from the date of the expiration of the Act intended to be continued, as fully and effectually, to all intents and purposes, as if such continuing Act had actually passed before the expiration of such Act, except it shall be otherwise especially provided in such continuing Act: provided, nevertheless, that nothing herein contained shall extend, or be construed to extend, to affect any person or persons with any punishment, penalty, or forfeiture whatsoever, by reason of any thing done or omitted to be done by any such person or persons contrary to the provisions of the Act so continued, between the expiration of the same and the date at which the Act continuing the same may have received or shall receive the royal assent.

When Bills for continuing expiring Acts shall not pass before the Acts expire, such Acts shall be continued from their expiration.

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49 GEORGII III. Cap. CXXVI.

An Act *for the further Prevention of the Sale and Brokerage of Offices.* [20*th June*, 1809.]

5 & 6 Ed. 6, c. 16.

Whereas an Act passed in the fifth and sixth year of the reign of King Edward the Sixth, intituled, "Against buying and selling of Offices:" and whereas it was in and by the said Act enacted, amongst other things, that if any person or persons at any time thereafter bargained or sold any office or offices, or deputation of any office or offices, or any part or parcel of any of them, or received, had, or took any money, fee, reward, or any other profit, directly or indirectly, or took any promise, agreement, covenant, bond, or any assurance, to receive, or have any money, fee, reward, or other profit, directly or indirectly, for any office or offices or for the deputation of any office or offices, or any part of any of them, or to the intent that any person should have, exercise, or enjoy any office or offices, or the deputation of any office or offices, or any part of any of them, which office or offices, or any part or parcel of them, should in anywise touch or concern the administration or execution of justice, or the receipt, controlment, or payment of any of the King's Highness's treasure, money, rent, revenue,

account, aulnage, auditorship, or surveying of any of the King's Majesty's honours, castles, manors, lands, tenements, woods, or hereditaments, or any of the King's Majesty's customs, or any other administration or necessary attendance to be had, done, or executed in any of the King's Majesty's custom-house or houses, or the keeping of any of the King's Majesty's towns, castles, or fortresses, being used, occupied, or appointed for places of strength and defence, or which should concern or touch any clerkship to be occupied in any manner of Court of Record, wherein justice was to be ministered, that then all and every such person and persons that should so bargain or sell any of the said office or offices, deputation or deputations, or that should take any money, fee, reward, or profit for any of the said office or offices, deputation or deputations of any of the said offices, or any part of any of them, or that should take any promise, covenant, bond, or assurance for any money, reward, or profit to be given for any of the said office or offices, deputation or deputations of any of the said office or offices, or any part of any of them, should not only lose and forfeit all his and their right, interest, and estate which such person or persons should then have of, in, or to any of the said office or offices, deputation or deputations, or in any part of them, or of, in, or to the gift or nomination of any of the said office or offices, deputation or deputations, for the which office or offices, or for the deputation or deputations of which offices, or for any part of any of them, any such person or persons should so make any bargain or sale, or take or receive any sum of money, fee, reward, or profit, or any promise, covenant, or assurance to have or receive any fee, reward, money, or profit, but also that all and every such person or persons that should give or pay any sum of money, reward, or fee, or should make any promise, agreement, bond, or assurance for any of the said offices, or for the deputation or deputations of any of the said office or offices, or any part of any of them, should immediately by and upon the same fee, money, or reward given or paid, or upon any such promise, covenant, bond, or agreement had or made for any fee, sum of money, or reward, to be paid as is aforesaid, be adjudged a disabled person in the law to all intents and purposes, to have, occupy, or enjoy the said office or offices, deputation or deputations, or any part of any of them, for the which such person or persons should so give or pay any sum of money, fee, or reward, or make any promise, covenant, bond, or other assurance, to give or pay any sum of money, fee, or reward; and that all and every such bargains, sales, promises, bonds, agreements, covenants, and assurances as before specified, should be void to and against him and them by whom any such bargain, sale, bond, promise, covenant, or assurance should be had or made: and whereas it was in the said Act provided, that the said Act, or any thing therein contained, should not in anywise extend to any office or offices, whereof any person or persons was or should be fiefed of any estate of inheritance, nor to any office of parkership, or of the keeping of any park, house, manor, garden, chase, or forest, or to any of them: and whereas it was by the said Act further provided, that if any person or persons did thereafter offend in any thing contrary to the tenor and effect of the said Act, yet that, notwithstanding all judgments given, and all other act and acts executed or done by any such person or persons so offending, by authority or colour of the office or deputation which ought to be forfeited, or not occupied or not enjoyed, by the person so offending, after the said offence so by such person committed or done, and before such person so offending for the same offence should be removed from the exercise, administration, and occupation of the said office or deputation, should be and remain good and sufficient in law, to all intents, constructions, and purposes, in such like manner and form as the same would or ought to have remained and been if this Act had never been had or made: and whereas it was by the said Act further provided, that the said Act, or any thing therein contained, should not in anywise extend, or be prejudicial or hurtful to any of the Chief Justices of the King's Courts, commonly called

the King's Bench or Common Pleas, or to any of the Justices of Assize, that then were or thereafter should be, but that they and every of them might do in every behalf touching or concerning any office or offices to be given or granted by them or any of them, as they or any of them might have done before the making of the said Act: be it therefore declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, the said Act and all the provisions therein contained shall extend, and be construed to extend, to Scotland and Ireland, and to all offices in the gift of the Crown, or of any office appointed by the Crown, and all commissions, civil, naval, or military, and to all places and employments, and to all deputations to any such offices, commissions, places, or employments in the respective departments or offices, or under the appointment or superintendence and control of the Lord High Treasurer or Commissioners of the Treasury, the Secretary of State, the Lords Commissioners for executing the office of Lord High Admiral, the Master-General and principal officers of his Majesty's Ordnance, the Commander-in-chief, the Secretary at War, the Paymaster-General of his Majesty's Forces, the Commissioners for the Affairs of India, the Commissioners of the Excise, the Treasurer of the Navy, the Commissioners of the Navy, the Commissioners for Victualling, the Commissioners of Transports, the Commissary-General, the Storekeeper-General, and also the principal officers of any other public department or office of his Majesty's Government in any part of the United Kingdom, or in any of his Majesty's dominions, colonies, or plantations which now belong or may hereafter belong to his Majesty, and also to all offices, commissions, places, and employments belonging to or under the appointment or control of the United Company of Merchants of England trading to the East-Indies, in as full and ample a manner as if the provisions of the said Act were repeated as to all such offices, commissions, places, and employments, and made part of this Act; and the said Act and this Act, and all the clauses and provisions therein respectively contained, shall be construed as one Act, as if the same had been herein repeated and re-enacted.

Provisions of 5 & 6 Ed. 6, c. 16, extended to other offices.

When right of appointment forfeited, to go to his Majesty.

II. Provided always, and be it further enacted, that where the right, estate, or interest of any person or persons shall be forfeited under any of the provisions of the said Act or this Act, the right of such appointment shall immediately vest in and belong to his Majesty, his heirs and successors.

Persons buying or selling offices, or receiving or paying money or rewards for offices, guilty of a misdemeanor.

III. And be it further declared and enacted, that from and after the passing of this Act, if any person or persons shall sell or bargain for the sale of, or receive, have, or take any money, fee, gratuity, loan of money, reward, or profit, directly or indirectly, or any promise, agreement, covenant, contract, bond, or assurance, or shall by any way, device, or means, contract or agree to receive or have any money, fee, gratuity, loan of money, reward, or profit, directly or indirectly, and also if any person or persons shall purchase or bargain for the purchase of, or give or pay any money, fee, gratuity, loan of money, reward, or profit, or make or enter into any promise, agreement, covenant, contract, bond, or assurance to give or pay any money, fee, gratuity, loan of money, reward, or profit, or shall by any way, means, or device, contract or agree to give or pay any money, fee, gratuity, loan of money, reward, or profit, directly or indirectly, for any office, commission, place, or employment, specified or described in the said recited Act or this Act, or within the true intent or meaning of the said Act or this Act, or for any deputation thereto, or for any part, parcel, or participation of the profits thereof, or for any appointment or nomination thereto or resignation thereof, or for the consent or consents, or voice or voices, of any person or persons to any such appointment, nomination, or

resignation, then and in every such case, every such person, and also every person who shall wilfully and knowingly aid, abet, or assist such person therein, shall be deemed and adjudged guilty of a misdemeanor.

Persons receiving or paying money for soliciting offices, and any negotiations or pretended negotiations relating thereto, guilty of a misdemeanor.

IV. And be it further enacted, that from and after the passing of this Act, if any person or persons shall receive, have, or take any money, fee, reward, or profit, directly or indirectly, or take any promise, agreement, covenant, contract, bond, or assurance, or by any way, means, or device, contract or agree to receive or have any money, fee, gratuity, loan of money, reward, or profit, directly or indirectly, for any interest, solicitation, petition, request, recommendation, or negotiation whatever, made or to be made, or pretended to be made, or under any pretence of making or causing or procuring to be made any interest, solicitation, petition, request, recommendation, or negotiation in or about or in any wise touching, concerning, or relating to any nomination, appointment, or deputation to or resignation of any such office, commission, place, or employment as aforesaid, or under any pretence for using or having used any interest, solicitation, petition, request, recommendation, or negotiation in or about any such nomination, appointment, deputation, or resignation, or for the obtaining or having obtained the consent or consents, or voice or voices, of any person or persons as aforesaid to such nomination, appointment, deputation, or resignation; and also if any person or persons shall give or pay, or cause or procure to be given or paid, any money, fee, gratuity, loan of money, reward, or profit, or make or cause or procure to be made any promise, agreement, covenant, contract, bond, or assurance, or by any way, means, or device, contract or agree to give or pay, or cause or procure to be given or paid, any money, fee, gratuity, loan of money, reward or profit for any solicitation, petition, request, recommendation, or negotiation whatever, made or to be made, that shall in anywise touch, concern, or relate to any nomination, appointment, or deputation to or resignation of any such office, commission, place, or employment as aforesaid, or for the obtaining or having obtained, directly or indirectly, the consent or consents, or voice or voices of any person or persons as aforesaid to any such nomination, appointment, deputation, or resignation; and also if any person or persons shall, for or in expectation of gain, fee, gratuity, loan of money, reward, or profit, solicit, recommend, or negotiate in any manner for any person or persons in any matter that shall in anywise touch, concern, or relate to any such nomination, appointment, deputation, or resignation aforesaid, or for the obtaining, directly or indirectly, the consent or consents, or voice or voices of any person or persons to any such nomination, appointment, or deputation, or resignation aforesaid, then and in every such case every such person, and also every person who shall wilfully and knowingly aid, abet, or assist such person therein, shall be deemed and adjudged guilty of a misdemeanor.

Persons opening or advertising houses for transacting business relating to the sale of offices, guilty of a misdemeanor.

V. And whereas, on the pretence of negotiating or soliciting the sale, transfer, or appointment of any office or offices which under the exception of this Act or otherwise it may be lawful to sell, offices for negotiating the same, and advertisements may be published, by means and under the colour of which illegal transactions intended to be prohibited by this Act may be carried on; be it therefore further enacted, that from and after the passing of this Act, if any person or persons shall open or keep any house, room, office, or place for the soliciting, transacting, or negotiating in any manner whatever any business relating to vacancies in, or the sale or purchase of, or appointment, nomination, or deputation to, or resignation, transfer, or exchange of any offices, commissions, places, or employments whatever in or under any public department, then and in every such case every such person, and also every person who shall wilfully and knowingly aid, abet, or assist therein, shall be deemed and adjudged guilty of a misdemeanor.

Inflicting a penalty on persons advertising or publishing the names of brokers or agents.

VI. And be it further enacted, that if any person or persons shall advertise or publish, or cause or procure to be advertised or in any manner published any house, room, office, or place, to have been or to be opened, set up, or kept for any of the purposes aforesaid, or advertise or publish, or cause or procure to be advertised or published, the name or names of any person or persons as broker or brokers, agent or agents, solicitor or solicitors, for any of the purposes aforesaid, or print or cause or procure or permit or suffer to be printed or advertised any advertisement or advertisements, proposal or proposals, for any of the purposes aforesaid, then and in such case such person or persons shall forfeit for every such offence the sum of fifty pounds, to be sued for, levied, or recovered in any of his Majesty's Courts of Record; at Westminster as to all offences committed in England, or at Dublin as to offences committed in Ireland, or in his Majesty's Courts in Scotland as to offences committed in Scotland, respectively; and the whole of every such penalty shall go to the person who shall sue for the same, with full costs of suit.

Act not to extend to purchase or sale of commissions for the regulated prices, or authorized regimental agents acting in such cases according to regulation, without fee or reward.

VII. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to any purchases, sales, or exchanges of any commissions or appointments in the honourable band of Gentlemen Pensioners, or in his Majesty's Yeomen Guard, or in the Marshalsea, and the Court of the Palace of the King at Westminster, or to extend to any purchases, sales, or exchanges, of any commissions in his Majesty's forces for such prices as shall be regulated and fixed by any regulation made or to be made by his Majesty in that behalf, or to any act or thing done in relation thereto, by any agents, provided that such agents shall be agents of regiments authorized by the Commander-in-chief of his Majesty's forces, or by the colonels or commandants of regiments or corps, and shall act therein under such regulations only as are or shall from time to time be established by his Majesty, and shall not cause or procure, or knowingly permit or suffer to be printed or advertised, any advertisement or advertisements, proposal or proposals, for any purchase or sale or exchange of any commission, or any negotiation relating thereto, and shall not receive or take any money, fee, gratuity, or reward, or any promise, agreement, covenant, contract, bond, or assurance, or by any way, means, or device, contract or agree to receive or have any money, fee, gratuity, or reward, for acting in such behalf.

Officers in army giving more than regulated prices, or paying agents for negotiating, to forfeit their commissions, and be cashiered; their commissions to be sold, and half of the produce, when not exceeding a certain sum, to go to informer.

VIII. Provided also, and be it further enacted, that every officer in his Majesty's forces, who shall take, accept, or receive, or pay or agree to pay, any larger sum of money, directly or indirectly, than what is allowed by any regulations made by his Majesty in relation to the purchase, sale, or exchange of commissions in his Majesty's forces, or who shall pay or cause to be paid any sum of money to any agent or broker, or other person, for negotiating the purchase or sale or exchange of any such commission, shall, on being convicted thereof by a general court martial, forfeit his commission, and be cashiered: and as an encouragement for the detection of such practices, such commission so forfeited shall be sold, and half the regulated value (not exceeding five hundred pounds) shall be paid to the informer, and the other half, or the remainder if more than five hundred pounds, shall go and be applied as his Majesty shall order and direct, by any regulations from time to time made in that behalf: provided also, that every person who shall sell his commission in his Majesty's forces, and not continue to hold any commission in his Majesty's forces, and shall, upon or in relation to such sale, take, accept, or receive, directly or indirectly, any money, fee, gratuity, loan of money, reward, or profit, or any promise, agreement, covenant, contract, bond, or assurance, or shall by any device or means contract or agree to receive or have any money, fee, gratuity, loan of money, reward, or profit, beyond the regulated price or value of the commission sold, and also every person who shall wilfully or knowingly aid, abet, or assist

such person therein, shall be deemed and adjudged guilty of a misdemeanor within the provisions of this Act.

IX. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to any office excepted from the provisions of the said Act passed in the sixth year of the reign of King Edward the Sixth against buying and selling of offices, or to any office which was legally saleable before the passing of this Act, and in the gift of any person by virtue of any office of which such person is or shall be possessed under any patent or appointment for his life, or to render invalid or in any manner to affect any promise, agreement, covenant, contract, bond, assurance, or trust, entered into or declared before the passing of this Act, and which before the passing thereof was a valid promise, agreement, covenant, contract, bond, assurance, or trust, in law or equity, or to any money paid, or to any act, matter, or thing done in pursuance of any such promise, agreement covenant, contract, bond, or assurance.

Act not to extend to offices excepted in former Act, nor to securities or transactions under legal securities.

X. Provided also, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to prevent or make void any deputation to any office, in any case in which it is lawful to appoint a deputy, or any agreement, contract, bond, or assurance lawfully made in respect of any allowance, salary, or payment made or agreed to be made by or to such principal or deputy respectively, out of the fees or profits of such office.

Act not to extend to lawful deputations where payment of principal or deputy is out of the fees.

XI. Provided also, and be it further enacted, that nothing in the said Act or in this Act contained shall extend to any annual reservation, charge, or payment made or required to be made out of the fees, perquisites, or profits of any office to any person who shall have held such office, in any commission or appointment of any person succeeding to such office, or to any agreement, contract, bond, or other assurance made for securing such reservation, charge, or payment: provided always, that the amount of such reservation, charge, or payment, and the circumstances and reasons under which the same shall have been permitted, shall be stated in the commission, patent, warrant, or instrument of appointment of the person so succeeding to and holding such office, and paying or securing such money as aforesaid.

Act not to extend to annual payments out of the fees of any office to any person formerly holding such office.

The 12th section exempts from the operation of the Act certain offices in the Court of Chancery in Ireland, until after the death, resignation, or removal of the existing incumbents.

XIII. Provided always, and be it enacted, that every person who shall commit, in Scotland, any offence against this Act, which by the provisions of the same is constituted a misdemeanor, shall be liable to be punished by fine and imprisonment, or by the one or the other of such punishments, as the Judge or Judges before whom such offender shall be tried and convicted may direct.

Manner of punishing offenders in Scotland.

XIV. And be it further enacted, that all offences committed against the provisions of the said recited Act and this Act, by any governor, lieutenant-governor, or person having the chief command, civil, or military, in any of his Majesty's dominions, colonies, or plantations, or his or their secretary or secretaries, may and shall be prosecuted and inquired of, and heard and determined in his Majesty's Court of King's Bench at Westminster, in like manner as any crime, offence, or misdemeanor committed by any person holding a public employment abroad, may be prosecuted and inquired of under the provisions of an Act

Offences committed abroad shall be tried in King's Bench.

42 G. 3, c. 85. passed in the forty-second year of the reign of his present Majesty, intituled, "An Act for "the trying and punishing in Great Britain Persons holding public Employments, for "Offences committed abroad;" and for extending the provisions of an Act passed in the twenty-first year of the reign of King James, made for the case of Justices and others in pleading in suits brought against them, to all persons, either in or out of this kingdom, authorized to commit to safe custody.

Commencement of the Act in certain places abroad.

XV. Provided always, and be it further enacted, that nothing in the said recited Act or this Act contained shall extend, or be construed to extend, to Gibraltar, Malta, or any place or places in the Mediterranean, until three months; or to any of his Majesty's dominions, colonies, or plantations in America or the West Indies, until four months; or to the Cape of Good Hope, the Island of Saint Helena, or any part of Africa, until six months; or to any of his Majesty's dominions in the East-Indies or beyond the Cape of Good Hope, until twelve months, after the passing of this Act.

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50 GEORGII III. Cap. LXXXVII.

An Act *to amend Two Acts, relating to the raising Men for the Service of the East-India Company, and the quartering and billeting such Men; and to Trials by Regimental Courts Martial.* [15*th June*, 1810.]

Whereas an Act passed in the thirty-ninth year of the reign of his present Majesty,
39 G. 3, c. 109. intituled, "An Act for the better recruiting the Forces of the East-India Company;" and whereas an Act passed in the twenty-seventh year of the reign of his late Majesty King
27 G. 2, c. 9. George the Second, intituled, "An Act for punishing Mutiny and Desertion of Officers and "Soldiers in the Service of the United Company of Merchants of England trading to the "East-Indies, and for the Punishment of Offences committed in the East-Indies or at the "Island of Saint Helena:" and whereas it would tend to the more speedy recruiting of the forces of the East-India Company, if men were permitted to enlist for a limited time in the service of the said Company, without engaging to serve in his Majesty's forces; and provision must in such case be made for quartering and billeting the men so raised; and whereas it is also expedient that the provisions of the said recited Act of his late Majesty King George the Second, as to trials by regimental courts martial, should be amended in relation to the members and witnesses being sworn, as now required on such trials in his Majesty's regular forces; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for his Majesty, his heirs and successors, to order and cause such of his officers as he shall see fit, to levy, enlist, and raise such number of men, either for life or limited service, as his Majesty shall from time to time think fit, not exceeding the number of men specified in the said recited Act of the thirty-ninth year of the reign of his present Majesty aforesaid (1), for the special purpose of serving in the East-Indies in the forces of the said United Company only; and the recruits to be raised for such special purpose, instead of taking the oath of fidelity appointed to be

His Majesty may order any of his officers to enlist the number of men specified in recited Act of 39 G. 3, c. 109, to serve in the Company's forces in India for life or a limited time.

taken by the said recited Act of the thirty-ninth year aforesaid, or by any Act in force for the punishment of mutiny and desertion, shall take the oath specified in the Schedule to this Act annexed, marked (A.); and instead of the oath of service prescribed by any Act in force for the punishing of mutiny and desertion, shall take the oath in the Schedule to this Act annexed, marked (B.); which oaths shall be administered by all justices of the peace and magistrates before whom any such recruits shall be carried for the purpose of being attested; and the certificate given upon such attestation shall be in the form in the Schedule to this Act annexed, marked (C.). (2)

Oaths to be taken as in Schedule.

(1) [See note explaining omission of sec. 2 of 28 Geo. 3, cap. 8, and stating the present law.]

(2) [By 17 & 18 Vict. cap. 4 (the Annual Mutiny Act), the oaths therein prescribed are, during the continuance of that Act, to be administered, and no other.]

II. And be it further enacted, that all soldiers enlisted into the service of the said United Company of Merchants shall be trained and disciplined and subject to such command and regulations, and at all times and until their embarkation be subject to all the provisions of any Act in force for the punishment of mutiny and desertion, and the better payment of the army and their quarters, and after their embarkation, to the provisions of the said recited Act of the twenty-seventh year aforesaid (1), in like manner as is prescribed in the said recited Act of the thirty-ninth year aforesaid; and all the powers, authorities, provisions, clauses, rules, regulations and restrictions, penalties and forfeitures, contained and prescribed in the said recited Act of the thirty-ninth year aforesaid, shall extend and be in full force as to all soldiers enlisted under and after the passing of this Act into the service of the said United Company of Merchants, as fully and effectually as if the same were severally and respectively repeated and re-enacted in this Act and made part thereof.

Soldiers to be subject to the Mutiny Act till their embarkation, then to be subject to the recited Act of 27 G. 2, c. 9.

(1) [See note on sec. 16 of 39 Geo. 3, cap. 109.]

III. And be it further enacted, that all the powers, authorities, provisions, clauses, rules, regulations and restrictions, and penalties and forfeitures, contained and prescribed in any Act or Acts of Parliament in force for the time being, in relation to the quartering and billeting, and provisioning of, and allowances in respect of such quartering and billeting of soldiers and officers in his Majesty's service, and to the providing of carriages for the use of soldiers, shall, from and after the passing of this Act, extend to all soldiers enlisted for or transferred into the service of the said United Company of Merchants, as fully and effectually as if the same were severally and separately repeated and re-enacted in this Act, and made part thereof; any thing in the said Act of the thirty-ninth year aforesaid, or any other Act or Acts of Parliament, to the contrary notwithstanding.

Powers of Acts relating to quartering, &c., to extend to this Act.

IV. And whereas it is expedient to allow men to enlist in the service of the said United Company for twelve years (1); be it therefore enacted, that it shall be lawful for any person enlisting for limited service in the service of the said United Company, to enlist for twelve years(1), if at the time of such enlisting he shall be of the age of eighteen years and upwards, and if he shall be under eighteen years of age, then for such further period beyond twelve years as shall be equal to the difference between eighteen years and the age of the person so enlisting.

Men may enlist for twelve years, &c.

(1) [Altered as to the infantry to ten years, by 10 & 11 Vict. cap. 37, sec. 1.]

After the expiration of the first period, the men may re-enlist.

V. Provided always, and be it further enacted, that it shall be lawful for all persons who shall have been enlisted for limited service in the forces of the said United Company, after the expiration of the first period for which they shall have been severally enlisted, to re-enlist for such further period as shall be allowed and appointed by any order of the Governor-General in Council in Bengal.

Men serving in the local militia may enlist.

VI. And be it further enacted, that it shall be lawful for any person balloted or enrolled to serve or serving in the local militia, to enlist or enter into the service of the United Company of Merchants trading to the East-Indies, in like manner and at such times as any such person might or may enlist or enter into his Majesty's regular forces.

His Majesty may direct the manner of trials by courts martial.

VII. And be it further enacted, that all regimental and garrison and other courts martial which shall be held for the trial of any offences committed by the troops in the service of the said United Company, shall have full power and are hereby authorized and required to take and administer such oaths, and to proceed in such manner in the trial of offences, as his Majesty shall from time to time think fit to order and direct.

The schedules containing the oaths and certificate referred to in section 1 are at present useless, for the reason assigned in note (2) on that section.

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51 GEORGII III. Cap. LXIV.

An Act *to enable the East-India Company to raise a further Sum of Money upon Bond, instead of increasing their Capital Stock; and to alter and amend an Act, passed in the Forty-seventh Year of the Reign of his present Majesty, relative thereto.*

[10*th June*, 1811.]

Whereas by an Act made in the thirty-seventh year of the reign of his present Majesty,
37 G. 3, c. 31. intituled, "An Act to enable the East-India Company to raise Money for further increasing "their Capital Stock, and to extend the Provisions now existing respecting the present Stock "of the Company to the said increased Stock," after reciting, that the affairs of the United Company of Merchants of England required a permanent advance of a considerable sum of money, beyond what the said Company could raise under the powers then vested in them by law, the said United Company are authorized and empowered to raise money by enlarging their then capital stock or fund of six millions of pounds, to any sum or sums not exceeding the further sum of two millions capital stock, so that their whole capital stock should not exceed the capital sum of eight millions; and whereas by an Act made in the forty-seventh
47 G. 3, c. 41. year of the reign of his said Majesty, intituled, "An Act to enable the East-India Company "to raise Money upon Bond, instead of increasing their Capital Stock," the said Company

are authorized to borrow, upon bonds to be issued under their common seal, any sum or sums of money not exceeding in the whole the sum of two millions sterling, over and above such sum and sums of money as the said Company could then lawfully raise on their bonds, and to apply the money so to be borrowed and raised, for such purposes as under and by virtue of the said Act of the thirty-seventh year of the reign of his said Majesty, the money to be raised by enlarging the capital stock of the said Company was applicable; and by the said Act of the forty-seventh year of the reign of his said Majesty, it is provided, that when the said Company should have raised any part of the money which they were thereby authorized to raise by bond, then and so long as such further bond debt, or any part thereof, should continue, all the money thereafter to be raised by enlarging the capital stock of the said United Company, under and by virtue of the said Act passed in the thirty-seventh year of the reign of his said Majesty, should be applied towards the reduction of the bond debt of the said United Company, until it should be reduced to the sum which the said Company might then lawfully raise by bond; and in case the said Company should enlarge their capital stock, under and by virtue of the said Act passed in the thirty-seventh year of the reign of his present Majesty, before they should have increased their bond debt under the authority of the Act now in recital, that then the sum which they were thereby empowered to raise on bond, should be reduced by the sum of two hundred pounds sterling, in respect of every one hundred pounds capital stock so enlarged, and so in proportion for a greater or less amount of capital stock which should have been created: and whereas a considerable part of the debt secured by the engagement of the said Company in the East-Indies, and which was incurred by reason of territorial and political expenses in that country, has lately been discharged in India, by means of bills drawn by the Governments of the said Company in the East-Indies upon their Court of Directors in London; and thereby it has become necessary for the said Company to provide in this country a much larger sum of money than in the ordinary course of their transactions can arise from the sales of their goods and the ordinary receipts and means of the said Company; and whereas the said United Company have not yet increased their capital stock, under and by virtue of the powers contained in the said first-mentioned Act; and it is expedient that the power of the said United Company to raise money upon their bonds should be enlarged, so that they may be enabled either to raise a further sum by bond, or by increase of their capital stock; and therefore that the provisions in the said last-recited Act, as to the application of the money to be raised by increasing the capital stock of the said Company, and as to the reduction of the power of the said Company to increase their bond debt in a certain case, should be repealed, and that other provisions should be made in respect thereof; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for the said Company, by and with the approbation and consent of the Board of Commissioners for the Affairs of India for the time being, at any time or times hereafter, to borrow upon bonds to be issued under their common seal, any further sum or sums of money not exceeding in the whole the sum of two millions sterling, over and above such sum and sums as the said Company can now lawfully raise on their bonds, and to apply the money so to be borrowed and raised for such purposes, as under and by virtue of the said Act of the thirty-seventh year of the reign of his said Majesty, the money to be raised by enlarging the capital stock of the said Company is applicable, any thing contained in the said recited Act or any other Act notwithstanding.

Enabling the Company to borrow a further sum of money upon bonds.

Section 2 repealed sec. 2 of 47 Geo. 3, sess. 2, cap. 41.

After raising £4,000,000, Company restrained from raising further money on bond.

III. Provided always, and be it enacted, that when the said United Company shall have raised, under and by virtue of the said Act of the thirty-seventh year of the reign of his present Majesty, and of the said Act of the forty-seventh year of the reign of his present Majesty, and of this Act, such sums of money as together shall amount to the sum of four millions sterling, then and from thenceforth it shall not be lawful for the said Company to raise any further sum of money upon bond; and all money which from thenceforth shall be raised by increase of capital stock, under and by virtue of the said first-mentioned Act, shall be applied in discharge of the said bond debt, until the said bond debt, created by virtue of the said Act of the forty-seventh year of the reign of his Majesty, or this Act, together with the money to be raised by increase of capital as aforesaid, shall be reduced to the sum of four millions sterling.

Bonds issued by the Company under their common seal shall be transferable, &c.

IV. And whereas bonds issued under the common seal of the said United Company, for money borrowed by them by virtue of the powers enabling them to borrow money upon bond, have usually been entered into, and have been expressed to have been made payable to the person who for the time being has been the treasurer of the said United Company, or his assigns, and upon his indorsement thereof they have been sold and passed from one person to another, by delivery of the possession thereof; and it is expedient that a legal effect should be given to such mode of transfer of the property in the said bonds, and the money secured thereby; be it therefore further enacted, that all bonds issued, or to be issued, under the common seal of the said United Company, by virtue of any power by which they have been, are, or hereafter may be authorized to borrow money upon their bonds, shall be assignable and transferable by delivery of the possession thereof; and upon every such assignment or transfer, the money secured by the bond so assigned or transferred, and due, and to become due thereon, and the property in such bond, shall be absolutely vested, as well at law as in equity, in the person or persons, body or bodies politic and corporate, to whom the same shall be so assigned or transferred; and the person or persons, body or bodies politic and corporate, to whom any such bond shall be so assigned and transferred, and his, her, and their executors, administrators, and successors respectively, shall and may maintain his, her, or their action for the principal and interest secured thereby, and due thereon, or otherwise relating thereto, in like manner as the obligee or obligees named in any such bond, or his, her, or their executors, administrators, or successors, may now maintain any action thereon; and in every such action the plaintiff or plaintiffs shall recover his, her, or their debts, damages, and costs of suit; and if any such plaintiff or plaintiffs shall be nonsuited, or a verdict be given against him, her, or them, the defendant or defendants shall recover his, her, or their costs against the plaintiff or plaintiffs; and every such plaintiff or plaintiffs, defendant or defendants, respectively recovering, may sue out execution for such debt, damages, and costs by *capias*, *fieri facias*, or *elegit*.

Section 5 declares this to be a Public Act.

For other enactments respecting the bond debt, see note on 34 Geo. 3, cap. 41.

51 GEORGII III. Cap. LXXV.

An Act *for making further Provision for the Payment of Salaries and other Charges in the Office of the Commissioners for the Affairs of India; and for enabling the East-India Company to restore to the Service of the said Company Military Officers removed therefrom by Sentences of Courts Martial; and to authorize the said Company, in cases of unforeseen emergency, to take up Ships by private Contract.* [15*th June*, 1811.]

Whereas by an Act passed in the thirty-third year of the reign of his present Majesty, intituled, "An Act for continuing in the East-India Company, for a further term, the "Possession of the British Territories in India, together with their exclusive Trade, under "certain Limitations; for establishing further Regulations for the Government of the said "Territories, and the better Administration of Justice within the same; for appropriating to "certain Uses the Revenues and Profits of the said Company; and for making Provision for "the good Order and Government of the Towns of Calcutta, Madras, and Bombay," it was among other things enacted, that it should be lawful for his Majesty, his heirs or successors, by any Letters Patent, or by any commission or commissions, to be issued under the Great Seal of Great Britain, from time to time to nominate, constitute, and appoint, during his or their pleasure, such members of the Privy Council (of whom the two principal Secretaries of State and the Chancellor of the Exchequer for the time being should always be three), and such other two persons as his Majesty, his heirs or successors, should think fit, to be, and who should accordingly be and be styled Commissioners for the Affairs of India; and it was in and by the said Act also enacted, that the said Board of Commissioners should and might nominate and appoint such secretaries and officers as should be necessary to attend upon the said Board, who should be subject to dismission at the pleasure of the said Board; and that as well the said Commissioners, or such and so many of them as his Majesty should think fit, as likewise their secretaries and other officers, should be paid such fixed salaries as his Majesty should by any warrant or warrants under his sign manual, countersigned by the Chancellor of the Exchequer for the time being, direct; all which salaries, together with all other contingent charges and expenses to be incurred by the said Board, should be paid and defrayed quarterly by the United Company of Merchants of England trading to the East-Indies, and be deemed and taken as part of their commercial charges, the quarterly amount thereof being first settled and allowed by the said Board, and certified by the president or acting president of the said Board for the time being, to the Court of Directors of the said Company; provided that the whole of the salaries to be paid to the members of the said Board should not exceed the sum of five thousand pounds in any one year; and that the whole of the salaries, charges, and expenses of the said Board, exclusive of the salaries of the members of the said Board, should not exceed the sum of eleven thousand pounds in any one year; and whereas it is reasonable that a more ample allowance should be made for the said salaries, charges, and expenses: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that so much of the said

33 G. 3, c. 52.

So much of Act as limits the salaries and expenses, repealed.

Act as limits the whole of the salaries to be paid to the members of the said Board, to the sum of five thousand pounds in any one year, and the whole of the salaries, charges, and expenses of the said Board, exclusive of the salaries of the members thereof, to the sum of eleven thousand pounds in any one year, shall be, and the same is hereby repealed. (1)

(1) [See note on sec. 5 of 33 Geo. 3, cap. 52.]

Section 2 fixed a limitation to the expenses of the Board, which has been set aside.

So much of 50 G. 3, c. 117, as directs accounts of increase and diminution of salaries, &c., to be laid before Parliament, shall extend to the office of the Commissioners for the Affairs of India.

III. And be it further enacted, that so much of an Act passed in the fiftieth year of his present Majesty's reign, intituled, "An Act to direct that Accounts of Increase and "Diminution of Public Salaries, Pensions, and Allowances shall be annually laid before "Parliament, and to regulate and control the granting and paying of such Salaries, Pensions, "and Allowances," as directs that between the first day of February and the twenty-fifth day of March in every year, if Parliament shall be sitting during any part of such period; or if Parliament shall not be sitting during any part of such period, then within forty days after the commencement of the session of Parliament in such year, there shall be laid before both Houses of Parliament an account of every increase and diminution which shall have taken place within the preceding year, ending on the first day of January, in the number of persons employed in all public offices or departments, or in the salaries, emoluments, allowances, and expenses which may have taken place, or been paid, granted, received, or incurred for and in respect of all officers and persons belonging to or employed in or by, or in the service of all public offices or departments, specifying the amount and nature thereof, and distinguishing in such account every increase and diminution in the amount of all allowances or compensations granted or allowed, as retired allowances or superannuations, to any person or persons having held any office, place, or employment in any such public office or department; or having been employed in any manner in any public services under any such office or department; and specifying in every such account the time and length of service of every such person, and the amount of the salary or allowances received by such person immediately preceding such superannuation, and the nature of his services; and also specifying in every such account the grounds upon which every such increase or diminution in the establishment of any such public office or department, or of any such salary, emolument, allowance, or compensation, or superannuation as aforesaid, shall have been made, granted, or allowed, shall extend, and be construed to extend, to the office of the Commissioners for the Affairs of India.

East-India Company may restore to their service military officers removed therefrom by sentences of courts martial:

IV. And whereas it was in and by the said Act of the thirty-third year of his present Majesty's reign also enacted, that after sentence or judgment of any Court having competent jurisdiction, whether in Great Britain or in India, against any Governor-General, Governor, President, Counsellor, or Commander-in-chief, or against any of the said United Company's servants, civil or military, for any debts or penalty due or belonging to the said United Company, or for any extortion or other misdemeanor, it should not be lawful for the said United Company, in any case whatever, to release or compound such sentence or judgment, or to restore any servant or servants of the said Company who should have been removed or dismissed from his or their office or employment, for or on account of misbehaviour, by the sentence of any of the said Courts: and whereas doubts have arisen whether military officers may be restored to the service of the said United Company, who may have been removed therefrom by sentences of courts martial; be it therefore enacted and declared, that it was and

is lawful for the Court of Directors of the said United Company to restore to the service of the said Company any military officer who shall have been or shall be dismissed or suspended therefrom by the sentence of a court martial.

V. Provided always, and be it enacted, that from and after the passing of this Act, no such restoration shall be in anywise valid or effectual, without the approbation and consent of the Board of Commissioners for the Affairs of India for that purpose had and obtained.(1)

with consent of the Board of Commissioners.

(1) [By 53 Geo. 3, cap. 155, sec. 83, the consent of the Board is rendered necessary to give effect to the restoration of any servant, civil or military, who may have been suspended or removed by any of the local Governments.]

Section 6 related to taking up ships.

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52 GEORGII III. Cap. CXXI.

An Act *to authorize the Transfer to the East-Indies, of debts originally contracted there, on the part of the East-India Company, payable in England.* [13*th July*, 1812.]

Whereas sundry bills of exchange have been heretofore drawn upon the Court of Directors of the United Company of Merchants of England trading to the East-Indies, for several sums of money payable in London, in discharge of debts contracted on the part of the said United Company in the East-Indies; and by agreements made in London between the said Court of Directors and the persons entitled to the money secured by such bills, the money so secured has been re-transferred to the East-Indies, to be invested by way of loan to the said United Company, there to bear interest, after an Indian rate; and it may be convenient that similar agreements for the re-transfer to the East-Indies of other sums of money, payable or to be payable in London, should be made or entered into, and that the interest which may be to be considered as due at the time of entering into such agreements should be advanced here; and it is expedient, that all doubts as to the validity of such agreements and payments should be removed; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all such agreements heretofore made or hereafter to be made for the re-transfer from London to the East-Indies of sums of money, to be invested by way of loan to the said United Company in the East-Indies, there to bear interest after an Indian rate, and all obligations and securities entered into or to be entered into for the payment of any such sums of money or interest thereof, shall be valid and effectual in law, according to the true intent and meaning thereof, and of the parties to the same; and no person or persons shall be liable to any penalty or forfeiture for any thing done or to be done in consequence of any such agreement; any law, usage, or statute to the contrary thereof in anywise notwithstanding.

Agreements heretofore made or to be made for the re-transfer from London to the East-Indies of sums of money shall be valid.

52 GEORGII III. Cap. CXXII.

An Act *to remove Doubts as to an Act passed in the Fiftieth Year of the Reign of his present Majesty, relating to raising Men for the Service of the East-India Company.* [13*th July*, 1812.]

50 G. 3, c. 87.

Whereas an Act passed in the fiftieth year of the reign of his present Majesty, intituled, "An Act to amend Two Acts relating to the raising Men for the Service of the East-India "Company, and the quartering and billeting such men, and to Trials by Regimental "Courts Martial;" and whereas doubts have arisen as to whether the provisions of the said Act extend to Ireland; and it is expedient that such doubts should be removed: may it therefore please your Majesty that it may be enacted, and be it declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said Act, and all the provisions thereof, shall, from the passing thereof, extend, and be deemed and construed to extend, to that part of the United Kingdom called Ireland, and all other the dominions and territories of his Majesty; any thing in any Act or Acts to the contrary notwithstanding.

Recited Act extended to Ireland.

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53 GEORGII III. Cap. CXV.

An Act *to insure the proper and careful Manufacturing of Fire-arms in England; and for making Provision for proving the Barrels of such Fire-arms.* [10*th July*, 1813.]

Not to extend to Scotland or Ireland, to arms for military service, or for East-India Company.

III. Provided always, and be it further enacted and declared, that nothing in this Act contained shall extend, or be construed to extend, to that part of the United Kingdom called Scotland, or to that part of the United Kingdom called Ireland (except as to the forging marks as in this Act after mentioned), or to the proving of any barrels used in the manufacturing of any musket, pistol, or other fire-arms, for the use of his Majesty's forces, or for the Honourable East-India Company.

See also 55 Geo. 3, cap. 59, sec. 5.

53 GEORGII III. Cap. CLV.

An Act *for continuing in the East-India Company, for a further Term, the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company's Charter.* [21*st July*, 1813.]

Whereas by an Act of the Parliament of Great Britain, passed in the thirty-third year of his present Majesty's reign, for continuing in the East-India Company, for a further term, the possession of the British territories in India, together with their exclusive trade, under certain limitations, and for other purposes, the possession and government of the British territories in India, together with an exclusive trade in, to, and from the East-Indies, and other the limits described in an Act made in the ninth year of the reign of King William the Third, or in a certain Charter of the fifth day of September, in the tenth year of the same King, were continued in the United Company of Merchants of England trading to the East-Indies, for a term thereby limited, under certain regulations and conditions; and whereas by an Act of the Parliament of Ireland, passed in the same thirty-third year of his present Majesty's reign, for regulating the trade of Ireland to and from the East-Indies under certain conditions and provisions, for a time therein mentioned, the exclusive privileges granted to the said United Company by the said Act of the Parliament of Great Britain were confirmed, subject to certain conditions and restrictions; and whereas it is expedient that the territorial acquisitions mentioned in the said Act of the Parliament of Great Britain of the thirty-third year of his present Majesty, together with such other territorial acquisitions on the continent of Asia, or in any islands situate to the north of the Equator, as are now in the possession and under the government of the said United Company, with the revenues thereof, should without prejudice to the undoubted sovereignty of the Crown of the United Kingdom of Great Britain and Ireland, in and over the same, or to any claim of the said United Company to any rights, franchises, or immunities, remain in the possession and under the government of the said United Company for a further term; subject to such powers and authorities for the superintendence, direction, and control over all acts, operations, and concerns, which relate to the civil or military government or revenues of the said territories, and to such further or other powers, authorities, rules, regulations, and restrictions, as have been already made or provided by any Act or Acts of Parliament in that behalf, or are made and provided by this Act; and whereas it is expedient that from and after the tenth day of April, one thousand eight hundred and fourteen, the right of trading, trafficking, and adventuring in, to, and from, all ports and places within the limits of the said United Company's present Charter, save and except the dominions of the Emperor of China, should be open to all his Majesty's subjects, in common with the said United Company, subject to certain regulations and provisions; but that the existing restraints respecting the commercial intercourse with China should be continued, and the exclusive trade in tea preserved to the said Company, during the further term hereby limited: may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice

33 G. 3, c. 52.

9 & 10 Wm. 3, c. 44.

33 G. 3, c. 31.

Former territorial acquisitions in India, with late acquisitions on the continent of Asia, or in any island north of the Equator, to continue in the government of the East-India Company for a further term.

and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the territorial acquisitions mentioned in the said Act of the Parliament of Great Britain, of the thirty-third year of his present Majesty, together with such of the territorial acquisitions since obtained upon the continent of Asia, or in any island situate to the north of the Equator, as are now in the possession of and under the government of the said United Company, with the revenues thereof respectively, shall remain and continue in the possession and under the government of the said United Company, subject to such powers and authorities for the superintendence, direction, and control over all acts, operations, and concerns which relate to the civil or military government or revenues of the said territories, and to such further and other powers, authorities, rules, regulations, and restrictions, as have been already made or provided by any Act or Acts of Parliament in that behalf, or are made and provided by this Act, for a further term to be computed from the said tenth day of April, one thousand eight hundred and fourteen, until the same shall be determined by virtue of the proviso hereinafter contained.

Section 2 continued the exclusive trade with China, and the exclusive right of trafficking in tea within the limits of the Charter, during the further term by this Act granted. The trade with China was thrown open by 3 & 4 Wm. 4, cap. 93. Section 3 contains a proviso for the determination of the exclusive trade. Section 4 declared that nothing in the above-mentioned proviso, or in others referred to, should determine the corporation or prevent the Company carrying on trade in common with other subjects. But the 3 & 4 Wm. 4, cap. 85, suspended the exercise of the Company's right to trade except for the purposes of Government.

The 5th section provides for giving notice of the termination of the exclusive trade. Sections 6 to 20 relate to the trade, then first opened, to be carried on by other parties than the East-India Company, within the limits of the Charter, under certain restrictions; but these sections were all repealed by the Consolidation Act, 4 Geo. 4, cap. 80; and by 3 & 4 Wm. 4, cap. 93, the trade was altogether thrown open. Section 21 repeals so much of 31 Geo. 3, cap. 42, as required the Company to provide certain quantities of saltpetre. Section 22 repeals so much of 9 & 10 Wm. 3, cap. 44, as required the Company's goods to be sold by inch of candle. Section 23 repeals so much of 33 Geo. 3, cap. 52, as required the Court of Directors to lay before the Board of Commissioners for the Affairs of India certain papers relating to cordage, tonnage, freight, registering, and licenses; and also so much as required some of the ships of the Company to touch at Cork. Section 24, in reference to the trade of the Company, subjected their goods to the same duties as private goods.

XXV. And be it further enacted, that no new or additional imposition of any duty or tax upon the export, import, or transit of any goods, wares, or merchandise whatsoever, made or to be made by authority of the Governor-General or Governor in Council (1) of any of the said Company's presidencies, or settlements in the East-Indies or parts aforesaid, shall be valid or effectual, until the same shall have been sanctioned by the Court of Directors of the said United Company, with the approbation of the said Board of Commissioners; which sanction and approbation shall be signified to the said governments respectively by some public despatch from the said Court of Directors, describing each regulation for the purposes aforesaid, which shall be so sanctioned and approved by its title at full length, and expressing that the same is so sanctioned and approved; and all such regulations, when promulgated in the East-Indies by the said governments, shall contain express mention that the same are made with the sanction of the said Court of Directors, and with the approbation of the said Board of Commissioners for the Affairs of India; and such mention shall be taken as conclusive evidence of such sanction and approbation in all Courts of Justice. (2)

No duties imposed in India to be valid till sanctioned by the Directors, and approved by the Board of Control.

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 59, the Governments of Madras and Bombay are deprived of all legislative power.]

(2) [See 3 & 4 Wm. 4, cap. 85, secs. 43, 44, 45.]

Section 26 repealed a duty on private trade previously enjoyed by the Company. Section 27 established certain exceptions to the repeal. Sections 28 and 29 provided for the payment of the rates of the East-India Dock Company. Sections 30 and 31 provided for the employment by the Company and private traders of India-built ships for a limited period. Section 32, relating to ships engaged in the South-Sea whale-fishery, was repealed by 4 Geo. 4, cap. 80, which Act, being intended to consolidate and amend the laws relating to trade within the limits of the Charter, was repealed, with certain exceptions, by the 3 & 4 Wm. 4, cap. 93, by which the trade was opened without restriction; but the repeal did not operate to revive parts of former Acts repealed by the said 4 Geo. 4, cap. 80.

Section 33 provided that when the Court of Directors should refuse permission to any persons to proceed to India, the applications were to be transmitted to the Board, which authority might direct certificates to be granted enabling the applicants to proceed to the principal settlements. Section 34 empowered the Court to make representations to the Board on such applications. But by 3 & 4 Wm. 4, cap. 85, sec. 81, it is declared lawful for any natural-born subject of the Crown to proceed by sea to any place in India having a Custom House establishment, reside thereat or proceed to any parts of such of the British Territories as were under the Company's Government on the 1st January, 1800, and to other specified portions.

To enter by land, or to proceed to the excepted parts, still requires license, which under section 82 of the Act last named may be granted by either of the home authorities, by the Governor-General in Council, or by the Government of any of the presidencies.

All persons to be subject to the regulations of the local governments.

XXXV. Provided also, and be it further enacted, that all persons who shall proceed to the East-Indies, shall, upon their arrival at any place within the limits of the said United Company's Government, be subject to all such rules and regulations as now are, or hereafter may be, in force within those limits. (1)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 43 to 45.]

Section 36 provides that on misbehaviour of any person licensed under section 33, it shall be lawful for the Governor-General or Governor of any presidency to declare his license void after a day named; and after two months' notice of such avoidance, the offender shall be liable to prosecution. Section 37 prohibited any of the Governments in India from granting to any person arriving after the 10th April, 1814, license or authority for residence except specially subject to a reference to the Court of Directors, and pending the receipt of its decision. The present law will be found in 3 & 4 Wm. 4, cap. 85, secs. 81, 82, 83, 84. Sections 38 and 39 provided for the residence of persons with or without license within certain limits; but they are superseded by the enactments of 3 & 4 Wm. 4, cap. 85, and cap. 93. The 40th and 41st sections, relating to the private trade within the limits of the Company's Charter, were repealed by 4 Geo. 4, cap. 80.

Colleges and seminaries abroad to be subject to the control of the Board.

XLII. And be it further enacted, that the said Board of Commissioners for the Affairs of India, by force and virtue of this Act, shall have and be invested with full power and authority to superintend, direct, and control all orders and instructions whatsoever, which in anywise relate to or concern any rules, regulations, or establishments whatsoever, of the several colleges established by the said Company at Calcutta or Fort Saint George, or of any seminaries which may be established under the authority of any of the Governments of the said Company, in the same manner, to all intents and purposes, and under and subject to all such and the like regulations and provisions, as if such orders and instructions immediately related to and concerned the government and revenues of the said territorial acquisitions in the East-Indies. (1)

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 30, all official communications are subject to the approval of the Board, excepting such as shall be exempted by order of the Board, and excepting also (section 34) the communications of the Court of Directors with the officers and

servants of their home establishment, and with the legal advisers of the Company.]

XLIII. And be it further enacted, that it shall be lawful for the Governor-General in Council to direct, that out of any surplus which may remain of the rents, revenues, and profits, arising from the said territorial acquisitions, after defraying the expenses of the military, civil, and commercial establishments, and paying the interest of the debt, in manner hereinafter provided, a sum of not less than one lac of rupees in each year shall be set apart and applied to the revival and improvement of literature and the encouragement of the learned natives of India, and for the introduction and promotion of a knowledge of the sciences among the inhabitants of the British territories in India; and that any schools, public lectures, or other institutions, for the purposes aforesaid, which shall be founded at the presidencies of Fort William, Fort Saint George, or Bombay, or in any other parts of the British territories in India, in virtue of this Act, shall be governed by such regulations as may from time to time be made by the said Governor-General in Council; subject nevertheless to such powers as are herein vested in the said Board of Commissioners for the Affairs of India, respecting colleges and seminaries: provided always, that all appointments to offices in such schools, lectureships, and other institutions, shall be made by or under the authority of the Governments within which the same shall be situated.

Provision for schools, public lectures, or other literary institutions, for the benefit of the natives, to be regulated by Governor-General in Council, subject to control of the Board; but appointments to offices therein to be made by the local governments.

By section 44, the Court of Directors were required to make rules and regulations for the good government of the College and Military Seminary in England; but this power has been withdrawn by later enactments. By 7 Wm. 4 & 1 Vict. cap. 70, the Board were to appoint examiners of candidates for admission to the College, when the fourfold system of nomination, sanctioned by 3 & 4 Wm. 4, cap. 85, was suspended. By 1 & 2 Vict. cap. 22, the Board, without reference to such suspension, were empowered to make rules for the government of the College, which rules were to be submitted for her Majesty's approbation, to be signified by an Order in Council; notice of such rules to be given to the Court of Directors twenty-one days previously to their being submitted for the royal approbation. By 16 & 17 Vict. cap. 95, secs. 37 to 42, the Board are to make regulations both for the College and Military Seminary, which are to be laid before Parliament.

XLV. And be it further enacted, that from and after the passing of this Act, it shall and may be lawful for the Lord Bishop of London for the time being to have and exercise, and he is hereby authorized and empowered to have and exercise such visitatorial power and jurisdiction over all such persons, matters, and things belonging or relating to the said College, and in such manner as shall be appointed and established by the said rules and regulations of the said College in that behalf; any matter or thing whatsoever to the contrary notwithstanding.

Bishop of London to exercise visitatorial jurisdiction.

Section 46 contained enactments for the appointment of persons to the civil service, but was repealed by section 36 of 16 & 17 Vict. cap. 95. By section 37 of the same Act, persons desirous of being admitted to the College at Haileybury, being natural-born subjects, are entitled to be examined, subject to such rules as the Board may make under sections 38 and 39.

Establishment of officers in the College and Military Seminary, to be subject to the control of the Board.

XLVII. And be it further enacted, that no order for the establishment of any office, or the appointment of any person to fill the situation of principal at the said College, or head master of the Military Seminary, shall be valid or effectual, until the same shall have been approved by the said Board of Commissioners for the Affairs of India.(1)

(1) [Extended by 3 & 4 Wm. 4, cap. 85, sec. 108, to appointments of professors and teachers at the College.]

Principal and professors exempted from parochial residence.

XLVIII. And whereas for the due performance of the public duties of religion at the said College, as well as for the maintenance of sound learning and religious education, it is expedient that the principal and some of the professors of the said College should be clergymen of the established church: and whereas it may be expected, that among clergymen best qualified for such situations, from their character and attainments, some may be possessed of benefices in the church; be it enacted, that every spiritual person holding the situation of principal or professor in the said College, and actually performing the duties of the same, shall be and he is hereby exempted from residence on any benefice of which he may be possessed, in the same manner as the spiritual persons specified in an Act passed in the forty-third year of his present Majesty's reign, intituled, "An Act to amend the Laws relating to Spiritual Persons holding "of Farms, and for enforcing the Residence of Spiritual Persons on their Benefices in "England," are by the said Act exempted from residence on their respective benefices; any Act, matter, or thing, to the contrary notwithstanding.(1)

43 G. 3, c. 84.

(1) [This exemption is confirmed by 1 & 2 Vict. cap. 106, sec. 37, as to any spiritual person having been appointed principal or professor before the passing of that Act, and not having more than one benefice with cure of souls.]

If a bishop and three archdeacons shall be established in India by his Majesty's royal Letters Patent,

XLIX. And whereas no sufficient provision hath hitherto been made for the maintenance and support of a church establishment in the British territories in the East-Indies and other parts within the limits of the said Company's Charter, be it therefore enacted, that in case it shall please his Majesty by his royal Letters Patent under the Great Seal of the said United Kingdom, to erect, found, and constitute one bishopric for the whole of the said British territories in the East-Indies, and parts aforesaid; one archdeaconry for the presidency of Fort William in Bengal; one archdeaconry for the presidency of Fort Saint George, on the coast of Coromandel; and one archdeaconry for the presidency and island of Bombay, on the coast of Malabar; and from time to time to nominate and appoint a bishop and archdeacons to such bishopric and archdeaconries respectively; the Court of Directors of the said Company, during such time as the said territorial acquisitions shall remain in the possession of the said Company, shall, and they are hereby required to direct and cause to be paid,

their salaries to be paid by the Company.

certain established salaries to such bishop and archdeacons respectively; that is to say, from and out of the revenues of the said presidency of Fort William in Bengal to the said bishop, five thousand pounds by the year, at an exchange of two shillings for the Bengal current rupee; and to the said archdeacon of the said presidency of Fort William, two thousand pounds by the year, at the like exchange; and from and out of the revenues of the presidency of Fort Saint George, on the coast of Coromandel, to the archdeacon of the said presidency of Fort Saint George, two thousand pounds by the year, at an exchange of eight shillings for the pagoda at Madras; and from and out of the revenues of the presidency and island of Bombay, on the coast of Malabar, to the archdeacon of the said presidency and island of Bombay, two thousand pounds by the year, at an exchange of two shillings and threepence for the Bombay rupee.(1)

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 101, no archdeacon thereafter appointed is to receive, in respect of his archdeaconry, any salary exceeding 3,000 sicca rupees per annum.]

Salaries to commence on taking office, and to cease when functions cease.

L. And be it further enacted, that the said salaries shall take place and commence from and after the time at which such persons as shall be appointed to the said offices respectively shall take upon them the execution of their respective offices; and that all such salaries shall be in lieu of all fees of office, perquisites, emoluments, and advantages whatsoever; and that no fees of office, perquisites, emoluments, or advantages whatsoever, shall be accepted, received, or taken, in any manner or on any account or pretence whatsoever, other than the salaries aforesaid: and that such bishop and archdeacons respectively shall be entitled to such salaries so long as they shall respectively exercise the functions of their several offices in the East-Indies or parts aforesaid, and no longer.

Bishop to have no jurisdiction or functions, except such as may be limited by Letters Patent.

LI. Provided always, and be it further enacted, that such bishop shall not have or use any jurisdiction, or exercise any episcopal functions whatsoever, either in the East-Indies or elsewhere, but only such jurisdiction (1) and functions as shall or may from time to time be limited to him by his Majesty by Letters Patent under the Great Seal of the United Kingdom.

(1) [See 3 & 4 Wm. 4, cap. 85, secs. 93 and 94. By some subsequent enactments which will be noticed in their proper place, Indian and colonial bishops may exercise certain of their functions in this country.]

His Majesty may grant to the bishop by Letters Patent, such ecclesiastical jurisdiction as he may think necessary.

LII. And be it further enacted, that it shall and may be lawful for his Majesty, from time to time, if he shall think fit, by his Letters Patent under the Great Seal of the said United Kingdom, to grant to such bishop, so to be nominated and appointed as aforesaid, such ecclesiastical jurisdiction, and the exercise of such episcopal functions, within the East-Indies and parts aforesaid, as his Majesty shall think necessary for the administering holy ceremonies, and for the superintendence and good government of the ministers of the church establishment within the East-Indies and parts aforesaid; any law, charter, or other matter or thing to the contrary notwithstanding.

Warrant for Letters Patent to be countersigned by the President of the Board.

LIII. And be it further enacted, that when and as often as it shall please his Majesty to issue any Letters Patent respecting any such bishopric or archdeaconry as aforesaid, or for

the nomination or appointment of any person thereto, the warrant for the bill in every such case shall be countersigned by the President of the Board of Commissioners for the Affairs of India.

The 54th section, relating to pensions to be granted to the bishop and archdeacons after a certain period of residence, is repealed by 4 Geo. 4, cap. 71, sec. 2. Sections 55 to 60 relate to the appropriation of the funds of the Company, and are superseded by 3 & 4 Wm. 4, cap. 85, sec. 17. Section 61 repeals parts of 33 Geo. 3, cap. 52, which related to certain payments into the Exchequer and the Bank. Section 62 has reference to the payment of a dividend on the Company's capital stock, and is no longer in force. For the existing provisions relating to the dividend, see 3 & 4 Wm. 4, cap. 85, sec. 11. Section 63 repeals section 9 of 37 Geo. 3, cap. 31, relating to a dividend. Sections 64 and 65 prescribe a separation of accounts in reference to the now obsolete distinction between territory and commerce. Section 66 directs that copy of legislative Regulations made by the several Governments of India, and required by various Acts of Parliament to be sent home, should be laid annually before Parliament, together with the accounts under 33 Geo. 3, cap. 52. By 3 & 4 Wm. 4, cap. 85, the Government of India alone has the power of legislation, and the enactment contained in this section is substantially continued by section 51 of that Act. The 67th section refers to arrangements connected with the distinction, no longer existing, between territory and commerce. The object of the 68th, 69th, and 70th, was to give the Board information and power of interference in cases of mixed territorial and commercial transactions. Such transactions can no longer occur, and the superintending power of the Board is now general.

Instead of being limited to fourteen days, Board to return proposed despatches within two months.

33 G. 3, c. 52.

LXXI. And whereas it is provided by the said Act of the Parliament of Great Britain, of the thirty-third year of his Majesty's reign, that copies of all orders and instructions which the Court of Directors or any Committee of the Court of Directors of the said Company shall propose to be sent to India, shall be by them previously laid before the said Board, and that within the space of fourteen days after the receipt of such proposed despatches, the said Board shall return the same to the said Court of Directors or Committee of Directors, in the manner directed by the said Act: and whereas the said limitation of fourteen days for the return of such proposed despatches may be found inconvenient: be it therefore enacted, that so much of the said Act of the thirty-third year of his present Majesty, as requires such proposed despatches to be returned by the said Board within fourteen days, shall be, and the same is hereby repealed; and that from and after the passing of this Act, it shall be sufficient for the said Board to return all such proposed despatches to the said Court of Directors, or Committee of the said Court of Directors, and the said

Board is hereby required to return the same, with all reasonable despatch, not exceeding two months. (1)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 30.]

Proceedings of the Board may be signed by the Chief or Assistant Secretary.

LXXII. And whereas it is required by the said Act of the Parliament of Great Britain, of the thirty-third year of his Majesty's reign, that various proceedings of the said Board of Commissioners should be signed by the Chief Secretary to the said Board; be it enacted, that from and after the passing of this Act, all proceedings of the said Board, to which the signature of the said Chief Secretary is now by law required, may be signed either by such Chief Secretary, or by the Assistant Secretary to the said Board; any Act, matter, or thing to the contrary notwithstanding. (1)

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 30, the communications of the Board of Commissioners are to be signed by one of the two secretaries which by section 23 of that Act they are authorized to appoint.]

Secret Committee not to disclose despatches sent from the presidencies relative to war, peace, or negotiations, until authorized by the Board of Commissioners.

LXXIII. And be it further enacted, that from and after the passing of this Act, where any of the governments or presidencies in the East-Indies or parts aforesaid, shall, under the provisions of the said first-mentioned Act of the thirty-third year of his present Majesty, address any despatches to the Secret Committee of Directors of the said United Company, for the inspection of such Committee, the said Secret Committee of Directors shall not disclose or make known the contents of any such despatches which relate to the levying of war or the making of peace, or treating or negotiating with any of the native princes or states of the East-Indies, or other parts within the limits of the said Company's Charter, until they shall be authorized by the Board of Commissioners for the Affairs of India so to do.

Secret Committee to take the following, instead of former oath.

LXXIV. And be it further enacted, that instead of the oath by the said Act of the Parliament of Great Britain, of the thirty-third year of his present Majesty, required to be taken by the several Directors who shall from time to time be appointed a Secret Committee, they shall take an oath of the tenor following (1); that is to say,

"I, *A. B.*, do swear that I will, according to the best of my skill and judgment, "faithfully execute the several trusts and powers reposed in me as a member of the "Secret Committee, appointed by the Court of Directors of the United Company of "Merchants of England trading to the East-Indies; I will not disclose or make known "any of the secret orders or instructions which shall be given, communicated, or "transmitted to the said Committee by the Commissioners for the Affairs of India, nor "any despatches communicated or transmitted to the said Committee by any of the "Governments or Presidencies in India, which relate to the levying of war or the "making of peace, or treating or negotiating with any of the native princes or states of "the East-Indies, or other parts within the limits of the said Company's Charter, save "only to the other members of the said Secret Committee, or to the person or persons "who shall be duly nominated and employed in transcribing or preparing the same "respectively, unless I shall be authorized by the said Commissioners to disclose and "make known the same. "So help me God."

(1) [In connection with this section, see 3 & 4 Wm. 4, cap. 85, sec. 35.]

New oath of secrecy to be taken by persons employed in preparing or transcribing secret despatches.

LXXV. And be it further enacted, that the Secretary of the said Court of Directors, or the Examiner of Indian Correspondence, or any other person employed by the Secret Committee, in preparing or transcribing any secret despatches, orders, or instructions, required to be transmitted by them to India, under the direction of the said Act of the Parliament of Great Britain, of the thirty-third year of his Majesty's reign, or any secret despatches received from the governments or presidencies in the East-Indies or parts aforesaid, shall, before they respectively enter upon that duty, take and subscribe, before any of the members of the said Secret Committee, an oath of secrecy, as near unto the tenor and form of the oath hereinbefore provided and directed to be taken by the members of the said Secret Committee, as the case will admit, in such manner as by the same Act of the thirty-third year of his present Majesty is required in regard to the oath thereby directed to be taken by persons employed in preparing and transcribing secret despatches intended to be sent to India.

Section 76 enacted that in the oath prescribed for Directors by 33 Geo. 3, cap. 52, the year and title of this Act (53 Geo. 3, cap. 155) should be substituted for those of the first-named Act; but by 16 & 17 Vict. cap. 95, sec. 13, another oath is to be taken *instead* of the former one.

In cases of equality of votes in General Courts or Courts of Directors, the questions to be considered as rejected, except in cases of two or more candidates for office, which are still to be determined by lot.

LXXVII. And whereas by the Charter of incorporation of the said United Company, granted under the authority of an Act passed in the ninth and tenth year of the reign of his late Majesty King William the Third, intituled, "An Act for raising a sum not exceeding "two millions upon a Fund for Payment of Annuities, after the Rate of Eight Pounds per "Centum per Annum, and for settling the Trade to the East-Indies," it is ordered and appointed, that in all cases where there shall be an equality or equal number of votes in any General Court, or in any Court of Directors to be holden as aforesaid, the matter shall be determined by lots, which the treasurer for the said Company shall cause to be prepared and drawn for that purpose: and whereas it is expedient that such mode of decision should be no longer continued; be it therefore enacted, that from and after the passing of this Act, no question in any such General Court, or Court of Directors, shall be carried otherwise than by a majority of votes; and in all cases of an equality of votes upon any question put in any such General Court or Court of Directors, such equality shall be deemed and taken to operate as a rejection of the motion or proposition on which such question shall have been so put: provided always, that nothing herein contained shall extend, or be construed to extend, to cases of election of any person to any office or place where there shall be more than one candidate for such office or place, but that in all such cases where there shall be an equality of votes in favour of any two or more candidates, such election may be determined by lot, in manner directed by the said Charter; any thing herein contained to the contrary notwithstanding.

Board may require accounts, abstracts, and statements to be prepared by the Directora.

33 G. 3, c. 52.

LXXVIII. And be it further enacted, that from and after the passing of this Act, the Commissioners for the Affairs of India, or any of the officers of the Board of Commissioners for the Affairs of India, by the order and authority of the said Board, shall not only have free access to the books, papers, letters of correspondence, evidences, and other records of the said Company, and be assisted in their searches for the same, and furnished with copies or extracts, in the manner prescribed by the said Act of the Parliament of Great Britain of the thirty-third year of his Majesty's reign, but shall and may call for, and direct to be

prepared, all such accounts, statements, and abstracts, relating to the affairs of the said Company as the said Board shall think fit; and the said Court of Directors shall, with all reasonable despatch, cause to be prepared and transmitted to the said Board all such accounts, statements, and abstracts, as the said Board shall so direct to be prepared.

LXXIX. And whereas by the said Act of the Parliament of Great Britain, of the thirty-third year of his Majesty's reign, it is enacted, that the several orders and proceedings of the Presidencies of Fort William, Fort Saint George, and Bombay, should, previously to their being published and put in execution, be signed by the chief secretary to the Council of the presidency, by the authority of the Governor-General in Council or Governors in Council, as the case may be; and whereas inconvenience may arise to the public service, unless some other person, besides such chief secretary, be authorized to sign such orders and proceedings; be it therefore further enacted, that all such orders and proceedings of the several governments and presidencies in the East-Indies, and parts aforesaid, shall or may, previously to their being published or put in execution, be signed in manner aforesaid, either by the chief secretary to the government of the said presidency, or, in the absence of such chief secretary, by the principal secretary of the department of such presidency to which such orders and proceedings relate; anything to the contrary notwithstanding. (1)

Proceedings at the presidencies to be signed by the principal secretary of the department, in the absence of the chief secretary.
33 G. 3, c. 52.

(1) [*Vide* Act of Government of India, No. 2 of 1834, in Appendix.]

LXXX. And be it further enacted, that from and after the passing of this Act, all vacancies which shall happen in the office of Governor-General of Fort William, or of Governor of either of the Company's presidencies or settlements of Fort Saint George, or Bombay, or of Governor of the forts and garrisons of Fort William, Fort Saint George, or Bombay, or of Commander-in-chief of all the forces in India, or of any provincial Commander-in-chief of the forces there (1), shall be filled up and supplied by the Court of Directors of the said United Company; subject nevertheless to the approbation of his Majesty, to be signified in writing under his royal sign manual, countersigned by the President of the Board of Commissioners for the Affairs of India: provided always, that nothing herein contained shall extend, or be construed to extend, to take away or affect the power of the said Court of Directors to remove or recall any such Governor-General, Governor, or Commander-in-chief (2); but the said Court shall and may at all times have full liberty to remove, recall, and dismiss any such Governor-General, Governor, or Commander-in-chief, at their will and pleasure, in the like manner as if this Act had not been made. (3)

Vacancies of Governors and Commanders-in-chief, to be filled up by the Court of Directors, subject to his Majesty's approbation.

Not to affect the right of Directors to recall.

(1) [By 16 & 17 Vict. cap. 95, sec. 30, any person appointed by her Majesty to be Commander-in-chief of her forces in India, is by virtue of such appointment to be Commander-in-chief of the Company's forces also; and any person appointed Commander-in-chief of the forces of the Crown in any presidency, shall be Commander-in-chief of the Company's forces in such presidency.]

(2) [By 33 Geo. 3, cap. 52, secs. 26 and 36, and 3 & 4 Wm. 4, cap. 85, secs. 60 and 75, an officer or servant appointed by the Crown, on default of the Court of Directors to appoint within a specified time,

is not to be removed except by the Crown or with its consent. Commanders-in-chief will henceforth be appointed by the Crown, but not in consequence of default on the part of the Court of Directors, who are precluded from making an appointment.]

(3) [*Vide* 3 & 4 Wm. 4, cap. 85, secs. 42, 58, and 75. By sec. 58 of that Act, the power of the Court is extended to the newly constituted Government of Agra; but by 5 & 6 Wm. 4, cap. 52, authority was given to suspend the creation of that government, and it has accordingly been suspended. See also 16 & 17 Vict. cap. 95, sec. 15.]

Vacancies in India (with exceptions) not to be supplied by the Directors without the approbation of the Board.

LXXXI. And be it further enacted, that from and after the passing of this Act it shall not be lawful for the said Court of Directors, either provisionally or otherwise, to nominate or appoint any person to succeed to any office or employment in the civil or military establishments of the said Company in the East-Indies, or parts aforesaid, without the approbation of the said Board of Commissioners, other than and except as aforesaid: provided always, that nothing herein contained shall prevent or hinder the said Court of Directors from nominating or appointing absolutely or provisionally such persons as they may think fit to the offices of Member of Council (1), General Officer on the Staff, Advocate and Attorney-General (1), Attorney at Law of the said Company, or Chaplain at the several presidencies or settlements, or to any offices or employments in the civil or marine establishments of the said Company, which may be and usually have been supplied by persons not having been covenanted servants of the said Company previously to their nominations or appointments, nor to prevent the said Court of Directors from nominating or appointing writers (2), cadets, or assistant surgeons (2), in such manner as they have heretofore been used or accustomed to do.

(1) [By 16 & 17 Vict. cap. 95, sec. 20, the appointment of Member of Council is made subject to the approbation of the Crown, and by section 29, that of Advocate-General to the approbation of the Board.]

(2) [By 16 & 17 Vict. cap. 95, sec. 36, the power of appointing writers and assistant surgeons is withdrawn from the Court of Directors.]

Provisions of 33 G. 3, c. 52, respecting the periods of service necessary for qualification of civil officers modified, *viz.*, places of more than £1,500 per annum may be given after four years' service in India; places of more than £3,000 per annum after seven years; and places of more than £4,000 per annum (including the

LXXXII. And whereas a strict adherence to the provisions contained in the said Act made in the thirty-third year of his present Majesty's reign, in respect to the filling up and supplying vacancies in the civil service of the said Company has been found impracticable, without detriment to the public service, or injury to the just claims and meritorious exertions of individuals; and whereas a modification of the said Act has been in part adopted in the Act of the forty-seventh of his present Majesty, relative to the scholars educated at Hertford College (1); be it therefore enacted, that from and after the passing of this Act, any office, place, or employment, the salary and perquisites whereof shall exceed the sum of fifteen hundred pounds, may be granted to and conferred upon the said servants who shall have been actually resident in India in the said Company's service for the space of four years at

the least in the whole, antecedent to such vacancy; and if the salary, perquisites, and emoluments of any office, place, or employment, shall exceed the sum of three thousand pounds per annum, such office may be conferred upon any of the said servants who shall have been actually resident in India seven years at least in the whole; and if the salary, perquisites, and emoluments of any office, place, or employment, shall exceed four thousand pounds per annum, such office, including that of the Council, may be granted to or conferred upon any of the said servants who shall have been actually resident in India in the Company's service for the space of ten years at the least in the whole.(2)

Council) after ten years.

(1) [Further modification in 10 Geo. 4, cap. 16, sec. 2.]

(2) [See, as to members of the Council of India, 3 & 4 Wm. 4, cap. 85, sec. 40.]

LXXXIII. And whereas by a certain Act, made in the fifty-first year of his Majesty's reign, intituled, "An Act for making further Provision for the Payment of Salaries, and "other Charges in the Office of the Commissioners for the Affairs of India; and for enabling "the East-India Company to restore to the Service of the said Company Military Officers "removed therefrom by Sentences of Courts Martial; and to authorize the said Company, "in cases of unforeseen Emergency, to take up Ships by private Contract;" it was declared and enacted, that it was lawful for the Court of Directors of the said United Company to restore to the service of the said Company any military officer who should have been or should be dismissed or suspended therefrom by the sentence of a court martial, provided that no such restoration should be in anyways valid or effectual, without the approbation and consent of the Board of Commissioners for the Affairs of India, for that purpose had and obtained: and whereas it is expedient that the restoration by the said Court of Directors to the service of the said Company, of such of the said Company's servants, civil and military, as shall be suspended by the authority of any of the governments or presidencies of the said Company in India, and also that the restoration to their former stations of officers, civil and military, removed by the like authority, should be subject to the like approbation and consent of the said Board of Commissioners; be it therefore further enacted, that from and after the passing of this Act no restoration by the said Court of Directors, to the service of the said Company, of any servant of the said Company, civil or military, who shall have been suspended by the authority of any of the said Company's governments or presidencies in the East-Indies, or parts aforesaid; and no restoration by the said Court of Directors to his station, office, or employment in the service of the said Company of any officer of the said Company, civil or military, who shall have been removed therefrom by the like authority, shall be valid or effectual, without the approbation and consent of the said Board of Commissioners, for that purpose first had and obtained.

Restoration of servants, civil and military, suspended or removed by the Governments abroad, not to be valid without consent of the Board. 51 G. 3, c. 75.

LXXXIV. And whereas by the said Act of the Parliament of Great Britain, of the thirty-third year of his Majesty's reign, it is enacted, that no person who shall hold a military station in the service of the said Company, being under the rank of Commander-in-chief of the forces, and who having departed from India by leave of the Governor-General in Council, or Governor in Council, shall not return to India within five years next after such departure, shall be entitled to any rank, or be capable of again serving in India, either in the European or native corps of troops, unless it shall be proved to the satisfaction of the said Court of Directors, and the Board of Commissioners for the Affairs of India, that such absence was occasioned by sickness or infirmity, or some inevitable accident: and whereas

Certain officers may return to India, after five years' absence, with consent of the Directors and the Board, though their absence may not have been occasioned by sickness, infirmity, or inevitable accident.

inconvenience to the military service of the said Company has been found to arise, in certain cases, from the said provision; be it therefore enacted, that it shall and may be lawful for the said Court of Directors, with the approbation of the said Board of Commissioners, to permit any military officer, being of the rank of a general officer or colonel commanding a regiment, or being a lieutenant-colonel commandant of a regiment, who, having departed from India with such leave as aforesaid, shall not have returned to India within five years from the time of such departure, to have his rank and to be capable of again serving in India, although such absence may not have been occasioned by sickness or infirmity, or any inevitable accident, any thing in the said Act contained to the contrary notwithstanding.

Restored civil servants to take precedence according to their seniority at the time of their departure from India.

LXXXV. And be it further enacted, that when and as often as any person having held any civil station in India, in the service of the said Company, and having departed from India by leave of the Governor-General in Council, or Governor in Council, shall be restored to the said Company's service, after an absence of five years from the time of such departure, such person, from and after such restoration, shall take rank and precedence only according to the time he shall have passed in the service of the said Company at the period of his departure from India; and on his return to India, if any other civil servant or servants at the settlement to which he shall belong, shall have then passed a greater or the like length of time in the service of the said Company, as the person so restored had passed when he left India, the person so restored shall be placed and take rank immediately below such other civil servant or servants; any matter or thing to the contrary notwithstanding.

Servants of the Company may be appointed to boards, courts, or other official establishments, though they do not take precedence according to seniority of services.

LXXXVI. And whereas by the said Act of the Parliament of Great Britain, of the thirty-third year of his present Majesty's reign, it is enacted, that all the civil servants of the said United Company in India, under the rank or degree of Member of Council, shall have and be entitled to precedence in the service of the said Company, at their respective stations, according to the seniority of their appointment: and whereas the several governments of the said Company are often prevented from appointing meritorious servants of the said Company to be members of courts, boards, and other official establishments, where offices or employments are exercised by several servants of the said Company collectively, lest by such appointment one or more members of such court, board, or other establishment should be superseded; be it therefore enacted, that it shall and may be lawful for any Governor-General or Governor in Council of the said Company, if he shall think proper, upon application in writing for that purpose by any civil servant of the said Company desirous of being appointed a member of any such court, board, or other establishment, by special order to direct that such servant of the said Company, on being appointed to any office or employment in any such court, board, or other establishment, shall take precedence at or in such court, board, or other establishment, according to the seniority of his appointment as a member of such court, board, or other establishment, although such civil servant in respect of whom such order shall be made may thereby not take precedence at or in such court, board, or other establishment, according to the seniority of his appointment to the service of the said Company; and such civil servant shall thereupon take precedence at such court, board, or other establishment accordingly, the said Act or any other matter or thing to the contrary notwithstanding.

Payment for King's troops by the Company not to exceed 20,000 men, unless greater number sent on their requisition.

LXXXVII. And whereas it is expedient, in the present circumstances, that the number of his Majesty's forces, for which payment should be made out of the revenues arising from the British territories and possessions in the East-Indies should be ascertained and fixed, be it therefore enacted, that it shall not be lawful for the Commissioners for the Affairs of India to give or approve orders or directions, that there shall be paid, defrayed, and allowed, out of

the revenues arising from the said territories and possessions, in respect of his Majesty's forces sent or to be sent to the East-Indies or parts aforesaid, for the security of the said territories and possessions, any sum or sums of money, in respect of any greater number of his Majesty's forces, than shall amount in the whole to twenty thousand men, including the commissioned and non-commissioned officers; unless any greater number of his Majesty's forces shall be sent to the East-Indies or parts aforesaid, on the requisition of the said Court of Directors; in which last case it shall and may be lawful for the said Commissioners to give and approve such orders and directions, for paying, allowing, and defraying such sums aforesaid, in respect to such additional forces of his Majesty so to be sent on the requisition of the said Company.(1)

(1) [*Vide* note explaining omission of sec. 2, 28 Geo. 3, cap. 8.]

No gratuity above £600 to be good, unless confirmed by the Board.
33 G. 3, c. 52.

LXXXVIII. And whereas by the said Act of the Parliament of Great Britain of the thirty-third year of his present Majesty, it was enacted, that no grant or resolution of the said Company, or their Court of Directors, to be made after the passing of that Act, and during the continuance of their right in the exclusive trade thereby granted, whereby the funds of the said Company might become chargeable with any new salary, or increase of salary, or any new or additional establishment of officers or servants, or any new pension or increase of pension, to any one person, exceeding two hundred pounds per annum, should be available in law, unless such grant or resolution should be approved and confirmed by the Board of Commissioners for the Affairs of India, attested under the hand of the President of the said Board: and whereas, for further protecting the funds of the said Company, during the continuance of the further term hereby granted to the said Company, it is expedient that the said Company should be put under reasonable limitations in respect to the granting of gratuities; be it therefore further enacted, that from and after the passing of this Act it shall not be lawful for the said Court of Directors to charge the funds of the said Company with the payment of any gratuity to any officer, civil or military, or other person, exceeding the sum of six hundred pounds, unless the grant or resolution for that purpose shall have been sanctioned by the Court of Proprietors, and approved and confirmed by the Board of Commissioners for the Affairs of India; and that copies of all warrants or instruments granting any salary, pension, or gratuity, shall be submitted to both Houses of Parliament, within one month after such grant, if Parliament shall be then sitting, or if not, within one month after their then next meeting.(1)

Copies of grants of annuities to be laid before Parliament.

(1) [The 55 Geo. 3, cap. 64, was passed to explain and amend this section. That Act precludes the Company, or Court of Directors with the sanction of the Court of Proprietors, from charging their funds with any gratuity without the approval and confirmation of the Board. The 3 & 4 Wm. 4, cap. 85, sec. 25, subjects all grants and payments of money to the control of the Board, with the exception, under section 37, of the details of the home establishment.]

LXXXIX. And whereas by a certain Act, passed in the thirteenth year of his present Majesty's reign, intituled, "An Act for establishing certain Regulations for the better Manage- "ment of the Affairs of the East-India Company, as well in India as in Europe," it is enacted, that the salaries of the Governor-General and Council of Fort William, and of the Chief

13 G. 3, c. 63.

For repealing parts of Acts respecting the

commencement of certain salaries, and directing the commencement thereof, and for payment of passage-money to certain officers.

Justice and Judges of the Supreme Court of Judicature at Fort William in Bengal, shall take place and commence, in respect to all such persons who shall be resident in Great Britain at the time of their appointment, upon and from the day on which such persons shall embark from Great Britain; and that the salaries of all such persons who shall at the time of their appointment be resident in India, shall commence from and after their respectively taking upon them the execution of their offices: and whereas by an Act passed in the fortieth year

39 & 40 G. 3, c. 79.

of his Majesty's reign, intituled, "An Act for establishing further Regulations for the Government of the British Territories in India, and the better Administration of Justice within the same," a similar provision is made in respect to the salaries of the Chief Justice and Judges of the Supreme Court of Judicature at Madras: and whereas by an Act passed in the

37 G. 3, c. 142.

thirty-seventh year of his Majesty's reign, intituled, "An Act for the better Administration of Justice at Calcutta, Madras, and Bombay, and for preventing British Subjects from being concerned in Loans to the Native Princes in India," a similar provision is made in respect to the salary of the Recorder of the Court of Judicature at Bombay: and whereas no such provision has been made respecting the commencement of the salaries of the Governor or Council of Fort Saint George, or of the Governor or Council of the town and island of Bombay, or of the Governor of Prince of Wales' Island, or of the Recorder there: and whereas it is expedient that a general and moderate provision should be made in respect of all the said officers and of others who may happen to be in the United Kingdom at the time of their appointments; be it therefore further enacted, that so much of the said Acts of the thirteenth, thirty-seventh, and fortieth years of his Majesty's reign, as relates to the commencement of salaries, shall be and the same is hereby repealed: and that from and after the passing of this Act, the salaries of the several officers hereinbefore mentioned shall commence from and after their respectively taking upon them the execution of their offices; and the said Court of Directors shall and they are hereby required to pay and advance to all and singular the officers and persons hereinafter mentioned, who shall be resident in the United Kingdom at the time of their respective appointments, for the purpose of defraying the expenses of their equipments and voyage, such sums of money as are set against the names of such officers and persons respectively; that is to say,

To the Governor-General of Fort William in Bengal (1) ...	Five thousand pounds:
To each of the Members of Council there (2) ...	One thousand two hundred pounds:
To the Commander-in-chief of all the forces in India	Two thousand five hundred pounds:
To the Chief Justice of the Supreme Court at Fort William	One thousand five hundred pounds:
To each of the Puisne Judges there	One thousand pounds:
To the Governor of Fort Saint George (3) ...	(*Varied by* 3 & 4 Wm. 4, cap. 85)
To each of the Members of Council there	One thousand pounds:
To the Commander-in-chief there	Two thousand pounds:
To the Chief Justice of the Supreme Court there	One thousand two hundred pounds:
To each of the Puisne Judges there	One thousand pounds:
To the Governor of Bombay (4)	Two thousand five hundred pounds:
To each of the Members of Council there	One thousand pounds:
To the Commander-in-chief there	One thousand five hundred pounds:
To the Recorder there (5)	(*See note*)
To the Governor of Prince of Wales' Island ...	One thousand two hundred pounds:
To the Recorder there	One thousand pounds:
To the Bishop (6)	One thousand two hundred pounds:
To each of the Archdeacons	Five hundred pounds:

(1) [Re-enacted, as to the Governor-General of India, by 3 & 4 Wm. 4, cap. 85, sec. 76.]

(2) [Extended to members of the Council of India, by Act and section quoted above.]

(3) [Originally three thousand pounds, but by 3 & 4 Wm. 4, cap. 85, sec. 76, reduced to two thousand five hundred pounds.]

(4) [Re-enacted by 3 & 4 Wm. 4, cap. 85, sec. 76.]

(5) [There is no longer a Recorder of Bombay; a Supreme Court having been erected by 4 Geo. 4, cap. 71. By that Act (sec. 12) the allowance for passage-money to a Chief Justice is fixed at one thousand two hundred pounds; and that to a Puisne Judge, at one thousand pounds.]

(6) [This allowance is for the Bishop of Calcutta. The 3 & 4 Wm. 4, cap. 85, authorized the erection of two new sees, Madras and Bombay; and the allowance to the Bishops of those sees for passage-money is fixed, by section 91 of that Act, at five hundred pounds.]

Additional provision for the salaries and charges of the Board of Control.

XC. And whereas by an Act passed in the fifty-first year of his Majesty's reign, intituled, "An Act for making further Provision for the Payment of Salaries and other Charges in the "Office of the Commissioners for the Affairs of India, and for enabling the East-India Company "to restore to the service of the said Company Military Officers removed therefrom by sentence "of Courts Martial, and to authorize the said Company, in cases of unforeseen emergency, to "take up Ships by Private Contract," it is enacted that the whole of the salaries to be paid to the members of the said Board of Commissioners for the Affairs of India, and to the secretaries and officers of the same, together with all other contingent charges and expenses of the said Board to be defrayed by the said United Company, should not exceed the sum of twenty-two thousand pounds in any one year: and whereas it is necessary that an addition should be made to the said sum, for the purpose of further remunerating the services of the secretaries and officers of the said Board: be it therefore enacted, that so much of the said Act as limits the sum to be defrayed by the said Company on account of the said Board, to the sum of twenty-two thousand pounds in any one year, shall be, and the same is hereby repealed; and that from and after the passing of this Act, the sum to be defrayed by the said Company, on account of the said Board, shall not exceed the sum of twenty-six thousand pounds in any one year (1); and that the same shall be deemed and taken as a part of the political charges of the said Company.

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 6, the Board are empowered to make a temporary increase upon the sum above named, for the payment of such additional officers as might be necessary during the winding up of the commercial concerns of the Company; but section 110 prohibits any permanent increase.]

His Majesty empowered to grant superannuations to the officers of the Board of Control.

XCI. And whereas it is reasonable that his Majesty, his heirs or successors, should have power to grant allowances, compensations, remunerations, or superannuations, to the secretaries and other officers of the said Board, under the conditions hereinafter provided, be it therefore enacted, that it shall and may be lawful to and for his Majesty, his heirs or successors, by any warrant or warrants, under his or their sign manual, countersigned by the Chancellor of the Exchequer for the time being, to grant or allow to any of the secretaries or officers for the time being belonging to the said Board, such allowances, compensations, remunerations, or superannuations, as his Majesty, his heirs or successors, shall think proper; under and subject nevertheless to such or the like conditions, and in such or the like proportions, as allowances, compensations, remunerations, or superannuations, may now be made to public officers by virtue of an Act passed in the fiftieth year of his present Majesty's reign, intituled, "An Act to direct that Accounts of Increase and Diminution of Public "Salaries, Pensions, and Allowances shall be annually laid before Parliament, and to regulate "and control the granting and paying of such Salaries, Pensions, and Allowances;" and that the same shall be paid and defrayed quarterly by the said Company, and be deemed and taken as part of their political charges.

50 G. 3, c. 117.

Previous service to be taken into account for officers of the Board.

XCII. Provided always, that where any officer or servant of the said Board shall have been in the service of the said Company previously to his employment under the authority of the said Board, the time of such service under the said Company shall be taken into account in computing the number of years' service under the said Board.

Court of Directors empowered to grant superannuations to Company's servants in England.

XCIII. And whereas it is reasonable that the said Court of Directors should have power to grant allowances in the nature of superannuations, to such of their officers and servants in England as from age or infirmity may no longer be qualified for the execution of their several offices or employments; be it therefore enacted, that it shall and may be lawful to and for the said Court of Directors to make allowances, compensations, remunerations, or superannuations, to the officers and servants of the said Company in England; subject to the restrictions and according to the conditions and proportions following; that is to say, where it shall be proved to the satisfaction of the said Court of Directors, that any such officer or servant, being under sixty years of age, shall be incapable, from infirmity of mind or body, to discharge the duties of his office, in such case, if he shall have served with diligence and fidelity in the service of the said Company for ten years, it shall and may be lawful to grant him by way of superannuation, any annual sum not exceeding one-third of the salary and allowed emoluments of his office: if above ten years and less than twenty, any such sum not exceeding one half of such salary and allowed emoluments: if above twenty years, any such sum not exceeding two-thirds of such salary and allowed emoluments: if such officer or servant shall be above sixty years of age, and he shall have served fifteen years or upwards, it shall and may be lawful, without proof of infirmity of mind or body, to grant him, by way of superannuation, any annual sum not exceeding two-thirds of the salary and allowed emoluments of his office; if sixty-five years of age or upwards, and he shall have served forty years or upwards, any such sum not exceeding three-fourths of such salary and allowed emoluments: if sixty-five years of age or upwards, and he shall have served fifty years or upwards, any such sum not exceeding the whole of such salary and allowed emoluments: all which allowances so to be made shall be charged in the books of account of the said Company to the debit of that branch of the Company's affairs (1) to which the said officers or servants may respectively belong; any thing in the said Act of the thirty-third year of his Majesty's reign to the contrary notwithstanding.

(1) [This refers to the distinction between territory and commerce, which no longer exists. The 3 & 4 Wm. 4, cap. 85, made special provision, in section 7, for compensation to servants, their widows or children, whose interests were affected by the discontinuance of the Company's trade.]

Account of superannuations to be laid before Parliament.

XCIV. Provided always, and be it further enacted, that an account of all allowances, compensations, remunerations, and superannuations, which shall be granted, either to the officers or servants of the said Board of Commissioners, or to the officers or servants of the said Company, as aforesaid, during the preceding year, shall be laid before Parliament within fifteen days after the next meeting thereof.

Act not to prejudice the King's sovereignty, or affect rights of the Company.

XCV. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to prejudice or affect the undoubted sovereignty of the Crown of the United Kingdom of Great Britain and Ireland, in and over the said territorial acquisitions, nor to preclude the said United Company, after the determination of the term hereby granted, from the enjoyment of, or claim to, any rights, franchises, or immunities which they now have, or to which they may hereafter be entitled.

The governments in India empowered to make laws, regulations, and articles of war, for the native troops; and to hold courts martial.

XCVI. And whereas doubts have been entertained whether the several governments of the said Company have sufficient power in all cases to make laws and regulations and articles of war, for the order and discipline of officers and soldiers, being natives of the East-Indies, or other places within the limits of the said Company's Charter, in the service of the said Company, and for the administration of justice by courts martial to be holden upon such officers and soldiers; and it is expedient that such doubts should be removed: be it therefore enacted and declared, that the several governments of Fort William, Fort Saint George, and Bombay (1), have and shall, during the continuance of the term hereby granted to the said Company, be deemed and taken to have full power and authority to make all such laws and regulations and articles of war, as they may think fit, for the order and discipline of all officers and soldiers, natives of the East-Indies, or other places within the limits of the said Company's Charter, in their respective services, and for the administration of justice by courts martial to be holden on such native officers and soldiers, and for the constitution and manner of proceeding of such courts martial, and for all other purposes relating to or in any manner concerning such native officers and soldiers, in as full and ample a manner as the said governments respectively may make any other laws or regulations for the government of the natives of the several territories subject to the said presidencies respectively, any Act of Parliament, or other matter or thing, to the contrary notwithstanding: provided always, that all laws, regulations, and articles of war, hereafter to be made respecting any of the matters aforesaid, whereby the rights, persons, or property of any such native officers or soldiers may be affected, shall be made and promulgated in every respect in the same manner as other regulations affecting the rights, persons, or property of natives or other individuals amenable to the provincial courts of the presidency of Fort William in Bengal, are directed to be made by virtue of an Act passed in the thirty-seventh year of his Majesty's reign, intituled, "An "Act for the better Administration of Justice at Calcutta, Madras, and Bombay, and for "preventing British Subjects from being concerned in Loans to the Native Princes in "India."(2)

(1) [The Governor-General in Council is the only local authority now possessing the power of legislation.]

(2) [On the subject of the above section see 12 & 13 Vict. cap. 43, known as the India Mutiny Act.]

Former laws, articles of war, and established usages, respecting native troops confirmed.

XCVII. And be it further enacted and declared, that all laws, regulations, and articles of war heretofore made by any of the said governments, respecting the said native officers and soldiers, or the administration of justice by courts martial to be holden upon them, or the constitution or proceeding of such courts martial, or in any manner respecting the government, order, or discipline of such native officers or soldiers, and also all established usages acted upon by such governments, respecting any of the matters aforesaid, although the same may not have originated in any written law or regulation thereof, were, and that such of the said laws, regulations, articles of war, and established usages as are now subsisting are, and until altered or repealed by the said governments respectively, shall be, to all intents and purposes, valid; and that all courts martial holden according to such laws, regulations, or articles of war, or established usages, and all proceedings of the same respectively, and all other acts or proceedings done or had under such laws, regulations, articles of war, or established usages, are hereby ratified and confirmed, and declared to be valid, and to have been legally had and done; so far as the same respectively were and are conformable to such laws, regulations, articles of war, and established usages.

Governor-General and Governors in Council at Fort William, Madras, Bombay, and Prince of Wales' Island, may impose duties of customs and other taxes on places and persons within the jurisdiction of the Courts established by the King's Charter, in the same manner as in places without such jurisdiction.

XCVIII. And whereas it is expedient that the governments of the said Company established at Fort William, Fort Saint George (1), Bombay (1), and Prince of Wales' Island (1) respectively, should have authority to impose duties and taxes to be levied within the several towns of Calcutta and Madras, the town and island of Bombay, and Prince of Wales' Island, and also duties and taxes to be paid by persons subject to the jurisdictions of the Supreme Court of Judicature at Fort William in Bengal, the Supreme Court of Judicature at Madras, the Court of the Recorder of Bombay (2), and the Court of Judicature at Prince of Wales' Island respectively; be it therefore enacted, that it shall and may be lawful to and for the Governor-General in Council of Fort William in Bengal, and to and for the Governor in Council of Fort Saint George (1), and to and for the Governor in Council of Bombay (1), and to and for the Governor in Council of Prince of Wales' Island (1), within the respective presidencies of Fort William, Fort Saint George, Bombay, and Prince of Wales' Island, to impose all such duties of customs and other taxes, to be levied, raised, and paid within the said towns of Calcutta and Madras, the said town and island of Bombay, and Prince of Wales' Island, and upon and by all persons whomsoever, resident or being therein respectively, and in respect of all goods, wares, merchandises, commodities and property whatsoever also being therein respectively; and also upon and by all persons whomsoever, whether British born or foreigners, resident or being in any country or place within the authority of the said governments respectively; and in respect of all goods, wares, merchandises, commodities and property whatsoever, being in any such country or place, in as full, large, and ample manner as such Governor-General in Council, or Governors in Council (1) respectively may now lawfully impose any duties or taxes to be levied, raised, or paid, upon or by any persons whomsoever, or in any place whatsoever, within the authority of the said governments respectively: provided always, that no imposition of any such duty or tax, or any increase of any such duty or tax, within the said towns of Calcutta or Madras, the said town and island of Bombay, or Prince of Wales' Island, shall be valid or effectual, until the same shall

No such duty or tax in Calcutta, Madras, Bombay, or Prince of Wales' Island, to be

have been sanctioned by the said Court of Directors, with the approbation of the said Board of Commissioners, in manner hereinbefore prescribed respecting duties and taxes of export, import, and transit on goods, wares, or merchandise.

valid till sanctioned by the Directors, with the approbation of the Board.

(1) [*Vide* note (1) on section 96.]

(2) [*Vide* note (5) on section 89.]

XCIX. And be it further enacted, that it shall and may be lawful for such Governor-General in Council, and Governors in Council (1) respectively, to make laws and regulations respecting such duties and taxes, and to impose fines, penalties, and forfeitures, for the nonpayment of such duties or taxes, or for the breach of such laws or regulations, in as full and ample manner as such Governor-General in Council, or Governors in Council (1) respectively, may now lawfully make any other laws or regulations, or impose any other fines, penalties, or forfeitures whatsoever: and all such laws and regulations shall be taken notice of, without being specially pleaded, as well in the said Supreme Courts and Recorder's Court (2) and Court of Judicature at Prince of Wales' Island respectively, as in all other Courts whatsoever within the said British territories: and that it shall and may be lawful for all persons whomsoever, to prefer, prosecute, and maintain, in the same Supreme Courts and Recorder's Court (2) and Court of Judicature at Prince of Wales' Island respectively, all manner of indictments, informations, and suits whatsoever, for enforcing such laws and regulations, or for any matter or thing whatsoever arising out of the same; any Act, Charter, usage, or other thing to the contrary notwithstanding.

Governor-General and Governors in Council may make laws and regulations respecting such duties and taxes, and impose fines and forfeitures for non-payment thereof.

(1) [*Vide* note (1) on section 96.]

(2) [*Vide* note (5) on section 89.]

C. And be it further enacted, that it shall and may be lawful for the Advocate-General, or other principal law-officer of the said Company, at the several presidencies of Fort William, Fort Saint George, Bombay, and Prince of Wales' Island, to exhibit in behalf of the said Company to the Supreme Courts of Judicature at Fort William and Madras, Recorder's Court at Bombay (1), and Court of Judicature at Prince of Wales' Island, as occasion shall require, against any person or persons whomsoever, subject to the jurisdiction of the said several Courts respectively, any information or informations for any breach or breaches of the revenue laws, or regulations of any of the said Governments, or for any fine or fines, penalty or penalties, forfeiture or forfeitures, debt or debts, or sum or sums of money, committed, incurred, or due by any such person or persons, in respect of any such law or regulations; and such proceedings shall be had and taken upon every such information as may lawfully be had or taken, in case of an information filed by his Majesty's Attorney-General in the Court of Exchequer in England, for any offence committed against the revenue laws of England, or for any fine, penalty, forfeiture, debt, or sum of money due in respect thereof; so far as the circumstances of the case, and the course and practice of proceeding in the said Courts respectively will admit; and all fines, penalties, forfeitures, debts, and sums of money, recovered or levied under or by virtue of any such information, so to be exhibited as aforesaid, shall belong to the said United Company, and the same, or the proceeds thereof, shall be carried in their books of account to the credit of the territorial revenues of the said Company.

Advocate-General may exhibit informations to the King's Courts in matters of revenue, &c.

(1) [*Vide* note (5) on section 89.]

Provision for summary conviction and punishment of British subjects being in India without license, or exceeding the terms of their license.

CI. And whereas it is expedient that provision should be made for empowering the several governments of the said Company in India to restrain, by summary convictions, British subjects residing in India without license or certificate, or beyond the terms of such license or certificate, in cases where such Governments may not deem it advisable to exercise the powers vested in them of prosecuting such persons for a misdemeanor, or sending them to the United Kingdom; be it therefore enacted, that upon information being exhibited by the Advocate-General, or other principal law-officer of the said Company, at any of their presidencies, in the Supreme Court of Judicature at Fort William, the Supreme Court of Judicature at Madras, the Recorder's Court at Bombay (1), or the Court of Judicature at Prince of Wales' Island, that any such subject of his Majesty has been found in any part or place of the East-Indies, or parts aforesaid, to which the jurisdiction of the Court in which such information may be filed extends, without being duly licensed or otherwise authorized for that purpose, it shall and may be lawful for the Court in which such information may be filed, to cause such person to be arrested and brought before such Court; and upon proof being duly made before such Court of the substance of the matter stated in the said information, such person shall be required to produce or prove the license or other authority under which he came to and resides in the East-Indies, and under which he resorted to or was remaining, or found at the place where he shall be proved to have been: and in case he shall fail to produce or prove any such license or authority, or duly to account for the non-production or want of proof thereof, or if upon production or proof thereof it shall appear to the said Court that the residence of such person in the East-Indies, or his resorting to or remaining in the place where he shall be proved to have been, was not within the true intent and meaning of such license or authority, it shall and may be lawful for such Court, in a summary way, to convict such offender of having been found on such a day at such a place within the East-Indies, or parts aforesaid, without being duly licensed or otherwise authorized for that purpose, and to order such offender to pay such fine, not exceeding two thousand rupees, as the said Court shall think fit, and also to commit such offender to the gaol of the presidency to which such Court shall belong, for a period not exceeding two months, unless such fine shall be sooner paid; and in case such person shall a second time be convicted of a like offence, either before the same or any other Court, it shall and may be lawful for such Court before which such person shall be so convicted a second time, to order such offender to pay such fine, not exceeding four thousand rupees, as the said Court shall think fit, and also to commit such offender to the gaol of the presidency to which such Court shall belong, for a period not exceeding four months, unless such fine shall be sooner paid: provided always, that nothing herein contained shall extend, or be construed to extend, to repeal, alter, or annul any enactment or provision contained in any former Act or Acts, whereby any person so being found in the East-Indies, or parts aforesaid, without having a license or other authority for that purpose, is or may be subjected to a prosecution for a misdemeanor, or whereby such person is or may be liable to be sent to the United Kingdom: provided nevertheless, that no person who shall have been convicted as aforesaid, shall be liable to be prosecuted for a misdemeanor, or sent to the United Kingdom, in respect of any residence in the East-Indies, or parts aforesaid, previously to the date of such conviction. (2)

Penalty.

Not to prevent such British subjects from being prosecuted for misdemeanors, or sent home;

but not on account of residence previous to conviction.

(1) [See note (5) on section 89.]

(2) [This section must now be of very limited application, so large a part of the British dominions in India being opened by 3 & 4 Wm. 4, cap. 85, sec. 81.]

CII. And for preventing any delay of justice, or the unnecessary detention of persons charged with offences; be it further enacted, that all his Majesty's Courts exercising criminal jurisdiction within the said several presidencies of the said Company, shall, and they are hereby required, four times at the least in every year, on such days and at such convenient intervals of time as the Judges of the said Courts respectively shall appoint, to hold their sessions, for the purpose of taking cognizance of all matters relating to pleas of the Crown.

King's Courts regularly to hold sessions four times in every year, for trying criminal offences.

CIII. And whereas great inconvenience and expense have hitherto been experienced in cases of prosecution under the authority of the Advocate-General or other principal law-officer of the said Company, at their several presidencies of Fort William, Fort Saint George, and Bombay respectively, for misdemeanors committed at a distance from the said several presidencies, by the ordinary course of indictment, or information filed with leave of the Court; be it therefore enacted, that it shall and may be lawful for the Advocate-General, or other principal law-officer of the said Company at their several presidencies, in all cases of misdemeanor alleged to have been committed by any British subject, at a distance of more than one hundred miles from the presidency within the limits whereof such offence shall be alleged to have been committed, to file an information *ex officio* in the Supreme Court of Judicature at Fort William, the Supreme Court of Judicature at Madras, or the Recorder's Court at Bombay (1), as the case may be; and all such proceedings shall and may be used and had upon such information as may lawfully be used and had in cases of information filed *ex officio* by his Majesty's Attorney-General in his Majesty's Court of King's Bench in England, any matter or thing to the contrary notwithstanding.

For misdemeanors committed by British subjects more than one hundred miles from a presidency, informations may be filed *ex officio*, and prosecuted as in the Court of King's Bench in England.

(1) [See note (5) on section 89.]

CIV. And whereas it may be doubtful whether the Governor-General of Fort William in Bengal, or other persons authorized to take, arrest, and seize such persons as may be found within the East-Indies, and other limits of the said Company's Charter, without license or other lawful authority for that purpose, have power to remit or send any such person or persons to the said United Kingdom, except for the purpose of being prosecuted for a misdemeanor: and whereas it may be sufficient in many cases to remit and send such persons to the United Kingdom, without subjecting them to further punishment; be it enacted, that it shall and may be lawful for the said Governor-General, or in his absence from his government the Vice-President, the Governor of any of the said Company's presidencies, the chief officer of the said Company resident at any British settlement in the East-Indies or parts aforesaid, the Company's council of supercargoes at the town and factory of Canton, within the said town and factory, and upon the river of Canton, or other part of the coast of China (1), and such other persons as may be from time to time especially deputed and authorized for that purpose by the Court of Directors of the said United Company, to take, arrest, seize, and cause to be taken, arrested, and seized, at any place or places within the East-Indies, or parts aforesaid, and to remit and send to the United Kingdom, on board any ship or ships of or belonging to or in the service of the said Company, bound to the United Kingdom, all such persons so being found at any such place or places in the East-Indies or parts aforesaid, without license or other lawful authority for that purpose (2); and the masters or other persons having the command of all such ships, shall and they are hereby authorized and required to receive, and safely and securely to keep all and every such person and persons who shall be sent on board any ship or ships for the purpose aforesaid, until such person or persons shall be landed in some port or ports of the United Kingdom: provided always, that every person who shall be so put on board any such ship for the purpose aforesaid, shall be entitled to be

Persons residing in India without license, may be sent home without being afterwards prosecuted.

discharged in such port of the United Kingdom, in which such ship shall be moored in safety, as such person shall think fit.

(1) [The Company have now no establishment in China.]

(2) [See note on section 101.]

Justices of Peace in the provinces shall have jurisdiction in case of assault and trespass committed by British subjects on the natives of India.

CV. And whereas his Majesty's British subjects resident in the British territories in India, without the towns of Calcutta, Madras, and the town and island of Bombay, are now, by law, subject only to the jurisdiction of his Majesty's Courts at Calcutta, Madras, and Bombay respectively, and are exempted from the jurisdiction of the Courts established by the said United Company within the said territories, to which all other persons whether natives or others, inhabitants in the said territories, without the limits of the towns aforesaid, are amenable (1): and whereas it is expedient to provide more effectual redress for the native inhabitants of the said territories, as well in the case of assault, forcible entry, or other injury accompanied with force, which may be committed by British subjects at a distance from the places where his Majesty's Courts are established, as in case of civil controversies with such British subjects; be it therefore enacted, that it shall and may be lawful for any native of India, resident in the East-Indies, or parts aforesaid, and without the said towns, in case of any assault, forcible entry, or other injury accompanied with force, alleged to have been done against his person or property by a British subject, to complain of such assault, forcible entry, or other injury accompanied with force, not being felony, to the magistrate of the zillah or district where the alleged offender shall be resident, or in which such offence shall have been committed; and that such magistrate shall have power and authority, at the instance of the person so complaining, to take cognizance of such complaint, to hear parties, to examine witnesses, and, having taken in writing the substance of the complaint, defence, and evidence, to acquit or convict the person accused; and, in case of conviction, to inflict upon such person a suitable punishment, by fine, not exceeding five hundred rupees, to be levied in case of non-payment by warrant under the hand of the said magistrate, and upon any property of the party so convicted, which may be found within the said district; and if no such property shall be found within the said district, then it shall be lawful for the said magistrate, by warrant also under his hand, to commit such offender to some place of confinement within the said zillah or district, which in the judgment of the said magistrate shall be fit for receiving such offender; or if there shall be no fit place of confinement, then to the gaol of the presidency, to remain there for a period not exceeding two months, unless such fine shall be sooner paid; and it shall be lawful for the said magistrate to award the whole or any portion of such fine to the party aggrieved, by way of satisfaction for such injury: provided always, that in all cases of conviction of a British subject, under the provision hereinbefore contained, the magistrate before whom such conviction shall take place shall forthwith transmit copies of such conviction, and of all depositions and other proceedings relative thereto, to the Government to which the place wherein the offence was committed is or shall be subordinate; provided also, that all such fines shall be paid in the first instance to the magistrate before whom the party offending shall be convicted, and the amount thereof, after making such satisfaction to the party aggrieved as aforesaid, if any, shall be transmitted by such magistrate to the Clerk of the Crown, or other officer to whom it belongs to receive fines in his Majesty's Court of Oyer and Terminer and Gaol Delivery for the province within which the offence shall have been committed; and such fines shall and may be disposed of in the same manner as other fines imposed by such Court of Oyer and Terminer and Gaol Delivery: provided also, that all such convictions shall and may be removable by writ of *certiorari* (2)

Copy of conviction and proceedings to be sent to the Government.

Fines to be paid to the magistrate.

Application thereof.

Convictions remova-

into the said Courts of Oyer and Terminer and Gaol Delivery respectively, in the same manner, and upon the same terms and conditions, and shall be proceeded upon in the same manner in every respect as is directed in the said Act of the thirty-third year of his Majesty's reign, with regard to other convictions before Justices of Peace in the British settlements or territories in India (3); provided also, that nothing herein contained shall extend, or be construed to extend, to prevent such magistrate from committing or holding to bail any British subject charged with any such offence before him, in the same manner as such British subject might have been committed or holden to bail if this Act had not been passed, where the offence charged shall appear to such magistrate to be of so aggravated a nature as to be a fit subject for prosecution in any of his Majesty's Courts to which such British subject may be amenable. ble by *certiorari*, and subject to provisions of 33 G. 3, c. 52.

(1) [By Act of Government of India, No. 8 of 1836, British-born subjects and their descendants are subjected in certain cases, criminally as well as civilly, to the same tribunals as natives within the territories of Fort William. By Act No. 24 of 1836, this is extended to the territories of Fort Saint George and Bombay. By Act of the Government of India, No. 7 of 1853, the above section (105) is extended to such offences as are therein described, committed against any one, whether a native of India or not, and whether the alleged offender be a British subject or not.]

(2) [*Vide* Act of Government of India, No. 4 of 1843, in Appendix.]

(3) [See note (2) on 33 Geo. 3, cap. 52, sec. 153.]

Section 106, in regard to claims of natives upon British subjects beyond the jurisdiction of the Courts of Requests of Calcutta, Madras, and Bombay, such claims not exceeding fifty rupees, gave power to the magistrates of zillahs or districts to hear and decide. But by Act of Government of India, No. 11 of 1836, all persons, wherever born or however descended, are subjected in civil matters to Company's Courts within their several jurisdictions. Section 107, which enacted that, under certain restrictions and conditions, British subjects residing or trading, or occupying immovable property at the distance of more than ten miles from the presidencies, might be subject to the jurisdiction of all Courts having cognizance of civil suits or matters of revenue, is, by the Act of the Government of India above named, declared to have no effect after the 1st June, 1836.

CVIII. And be it further enacted, that every British subject of his Majesty, not in the service of his said Majesty, or of the said United Company, who, after the tenth day of April, one thousand eight hundred and fourteen, shall go to and reside in any part of the British territories in India distant more than ten miles from the presidency to which the same shall

British subjects allowed to reside more than ten miles from presidency, shall procure and register certificate of such permis-

sion in the court of the district; and suing in any civil courts, shall produce copy of such certificate, or an affidavit accounting for not filing it.

be subordinate, with the permission of the Government of such presidency, or who shall, after the said day, change his residence from one part thereof to another, distant as aforesaid, with such permission, shall procure from the chief secretary (1) of the said Government, or other officer authorized for that purpose, a certificate signed by the said chief secretary or other officer, expressing that such British subject has the permission of such Government to reside at such place, specifying the same, and expressing also whether such permission has been granted during the pleasure of such Government or for any limited time; and the said certificate shall be deposited by such British subject in the civil court of the district in which he shall so go to reside, within one month after his taking up his residence there, and shall be kept among the records of the said court; of which certificate so deposited, a true copy attested by the judge or other officer of such court thereto authorized, shall be given to the party depositing the same, and shall be deemed and taken in all Courts of Justice, and on all occasions whatsoever, to be good and sufficient evidence of such certificate, unless the contrary shall be shown: and no British subject not in the service of his Majesty, or of the said United Company, going to reside in any such part of the British territories, or changing his residence from one part thereof to another, after the said day, shall be allowed, while he so resides, to have or maintain any civil action or proceeding (other than in the nature of an appeal) against any person whomsoever in any court of civil jurisdiction within the British territories in India, until he shall have filed, in the court in which such action or proceeding is commenced, a copy of such certificate signed by the Judge of the court wherein the same is deposited; or an affidavit accounting to the satisfaction of the Court for not filing the same; and if it shall be proved to the Court in which such action is brought that such British subject is residing at any place within the said territories, distant more than ten miles from the presidency to which it is subordinate, without such certificate or otherwise than according to the permission contained in such certificate, or that such permission has been revoked, or that, being for a limited time, it has expired and has not been renewed, and that such British subject is therefore residing without permission at more than ten miles' distance from such presidency, such British subject shall thereupon be nonsuited.(2)

(1) [See Act of Government of India, No. 2 of 1834, in Appendix.]

(2) [Under 3 & 4 Wm. 4, cap. 85, sec. 81, a large part of India is opened to the residence of her Majesty's subjects without license.]

Natives of India in the service of Company subject to provincial Courts.

CIX. And whereas doubts have been entertained whether persons being natives of India, in the service of the United Company of Merchants of England trading to the East-Indies, or of any of his Majesty's subjects, are amenable to the jurisdiction of the provincial Courts established in the East-Indies, or whether such persons being natives of India, in the service of the said United Company, or of his Majesty's subjects, are not exclusively amenable to the jurisdiction of the said Courts at Fort William, Madras, and Bombay respectively, and it is expedient that such doubt should be removed; be it further enacted and declared, that all persons whosoever, being natives of India, who have been, now are, or hereafter may be employed, by or in the service of his Majesty, the said United Company, or of any of his Majesty's subjects, were, and are, and shall be subject and amenable to all provincial Courts of competent jurisdiction for all crimes and misdemeanors, and in all actions and suits whatsoever, of which such Courts respectively could take cognizance, if the persons having committed such crimes or misdemeanors, or against whom the causes of such actions or suits shall have arisen, had not been employed by, or had not been in the service of his Majesty, or the said United Company, or any of his Majesty's subjects; any law, usage, or practice to the

contrary thereof in anyways notwithstanding: provided always, that nothing herein contained shall anywise oust the said Supreme Courts of Judicature of Fort William and Madras, and the said Court of the Recorder of Bombay (1) respectively, of any jurisdiction over any natives of India, which such Courts may now lawfully exercise; but such Supreme Courts of Judicature of Fort William and Madras, and the said Court of the Recorder of Bombay (1) respectively, as well as the provincial Courts herein referred to, according to their several jurisdictions, shall have a concurrent jurisdiction over natives of India, employed by or in the service of the said United Company, or any of his Majesty's subjects.

(1) [Now a Supreme Court of Judicature.]

Admiralty jurisdiction of King's Courts extended.

CX. And whereas the Courts established by the said United Company have no jurisdiction over crimes maritime, and doubts have been entertained whether the Admiralty jurisdiction of his Majesty's Courts at Calcutta, Madras, and Bombay, extends to any persons but those who are amenable to their ordinary jurisdiction; by reason whereof failures of justice may arise; be it therefore enacted, that it shall and may be lawful for his Majesty's Courts at Calcutta, Madras, and Bombay, exercising Admiralty jurisdiction, to take cognizance of all crimes perpetrated on the high seas, by any person or persons whatsoever, in as full and ample a manner as any other Court of Admiralty jurisdiction established by his Majesty's authority in any colony or settlement whatsoever belonging to the Crown of the said United Kingdom.

Advocate-General of the Company may file informations in King's Courts for debts due to his Majesty.

CXI. And whereas doubts have arisen whether the Advocate-General or other principal law officer of the said Company, at any of the said Company's presidencies, is by law authorized to exhibit to the respective Courts of Judicature at any of the said presidencies, for and on behalf of his Majesty, informations in the nature of actions at law, or bills in equity, for or in respect of any cause or causes of action, debts, dues, demands, accounts, reckonings, sum or sums of money, stores, goods, chattels, or any other matter, cause, or thing whatsoever, which may have arisen or accrued, or which may arise or accrue to his Majesty; for remedy thereof, be it further enacted, that it shall and may be lawful to and for the Advocate-General, or other principal law officer of the said Company for the time being, at each of the said Company's presidencies respectively, for and on behalf of his Majesty, his heirs and successors, to exhibit to the respective Supreme Courts of Judicature at the said Company's presidencies of Fort William and Madras, or to the Recorder's Court at Bombay (1), or the Court of Judicature at Prince of Wales' Island, any information or informations in the nature of an action or actions at law, or of a bill or bills in equity, as occasion shall require, against any person or persons residing within or being amenable to the jurisdiction of the said Courts respectively, for or in respect of any cause or causes of action, debts, dues, demands, accounts, reckonings, sum or sums of money, stores, goods, chattels, or any other matter, cause, or thing whatsoever, as fully and effectually, to all intents and purposes, as his Majesty's Attorney-General for the time being is by law authorized to exhibit any such information or informations in any of his Majesty's Courts of Law or Equity in this realm; and that thereupon such proceedings shall be had, as far as the circumstances of the case and the course and practice of the said Courts of Judicature at the said several presidencies will admit, as are had upon any such informations exhibited by his Majesty's Attorney-General in any of his Majesty's Courts of Law or Equity in this realm.

(1) [*Vide* note (5) on section 89.]

Justices of the Peace may qualify by taking the oaths in any Court of Justice within the provinces.
33 G. 3, c. 52.

CXII. And whereas great inconvenience has arisen from requiring the civil servants of the said United Company, and other persons stationed at a distance from the presidencies, to attend and take the oaths in the Courts of Oyer and Terminer of the said presidencies, as prescribed by the said Act of the Parliament of Great Britain of the thirty-third year of his Majesty's reign; be it therefore enacted, that all persons who shall be nominated and appointed in any such commissions of the peace as are in the said Act mentioned, shall be capable of acting as Justices of the Peace in every respect, according to the tenor of such commissions, upon taking and subscribing in any Civil or Criminal Court of Justice within the provinces in and for which any such commission shall have issued, before any other Justice of the Peace, the like oaths as are appointed by the said Act to be taken in the Court of Oyer and Terminer of the province or presidency for which such persons shall be appointed to act as Justices of the Peace; and the subscription of such persons to the said oaths shall be deposited and kept with the records of the Courts of Justice in which the said oaths shall have been administered. (1)

(1) [See note on 33 Geo. 3, cap. 52, sec. 152. See also Act of Government of India, No. 16 of 1841.]

Provincial Courts of the highest jurisdiction may arrest in civil or criminal process within the presidencies, notwithstanding the jurisdiction of King's Courts.

CXIII. And whereas it is expedient that the Sudder Dewanny Adawlut, and Nizamut Adawlut, or other provincial Courts, however denominated, exercising the highest jurisdiction within the provinces respectively subject to the Governments of Fort William, Fort Saint George, and Bombay, should have power and authority to execute process of arrest, either civil or criminal, within the towns of Calcutta and Madras, and the town and island of Bombay, notwithstanding the jurisdiction of his Majesty's Courts established at those places respectively, be it therefore enacted, that it shall and may be lawful for the said Court of Sudder Dewanny and Nizamut Adawlut, or other provincial Courts aforesaid, to execute or cause to be executed upon all persons subject to the jurisdiction of such Courts respectively (1), all manner of lawful process of arrest, within the respective limits of the towns of Calcutta and Madras, and of the town and island of Bombay, in the same manner as the said Courts respectively may, by virtue of any power now vested, or hereafter to be vested in them, lawfully execute, or cause to be executed, such process in any place situate without the said limits; any Act, Charter, or other matter or thing whatsoever to the contrary notwithstanding: provided always, that all such process which shall be executed within the limits aforesaid, shall be in writing, and shall have underwritten or indorsed thereon, or otherwise annexed thereto, a translation thereof, or of the substance thereof, in the English language and character, signed by one of the Judges of the Court from whence the same shall issue.

Process to be in writing, with an English translation, and signed by a judge.

(1) [*Vide* Act of Government of India, No. 11 of 1836, in Appendix.]

Sections 114 to 120 are composed of penal enactments directed against various offences. They are repealed by 9 Geo. 4, cap. 74, sec. 126. Section 121 directs the mode of carrying into effect the sentence of transportation for offences under former sections of this Act; but the whole of those sections have been repealed.

Persons taking false oaths, guilty of per-

CXXII. And be it further enacted, that if any person or persons whomsoever shall be convicted of making a false oath touching any of the matters directed or required by this Act

to be testified on oath, such person or persons so convicted as aforesaid, shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons guilty of perjury are liable by any law in force in that part of the said United Kingdom called England; and if any person shall corruptly procure or suborn any other person or persons to swear falsely in any such oath, such person, being duly convicted of such procuring and suborning, shall for every such offence incur and suffer such penalties, forfeitures, pains, and disabilities, as persons convicted of perjury are respectively liable unto by any law in force in the said part of the United Kingdom called England.

jury; and persons suborning, liable to the penalties of perjury, according to the laws of England.

CXXIII. And be it further enacted, that if any suit or action shall be brought or commenced against the said United Company, or any of their servants, or any person or persons acting by their authority, for the recovery of any costs or damages for the unlawful taking, arresting, seizing, imprisoning, sending, or bringing into the United Kingdom, of any person or persons found in the East-Indies or other parts aforesaid, within the limits of the said Company's Charter, or as not being authorized to reside or traffic (1) there, the defendant or defendants to such suit or action may plead the general issue, and give the special matter in evidence for his or their defence (2); and the proof shall lie on the plaintiff or plaintiffs upon the trial of the issue, to shew that at the time or times of arresting or seizing such person or persons respectively for the causes aforesaid, in the manner in which such arresting or seizing shall be laid or charged to have been done in or by the declaration or declarations in such suits or actions, the person or persons so arrested was or were in the military or marine service of his Majesty, his heirs or successors, or was or were under covenant to serve the said Company in India, or was or were duly possessed of a license or licenses, certificate or certificates in writing, authorizing him or them to go to or reside and traffic in the East-Indies or parts aforesaid, or that the person or persons, not being in his Majesty's service, was or were at the time or times of his or their being so seized or arrested, entitled or authorized, by the stipulation of such covenants, licenses, or certificates respectively, to remain and continue in India or other the parts aforesaid; and in failure of such proof, the plaintiff or plaintiffs shall become nonsuited; and in such case, or in any other cases wherein the plaintiff or plaintiffs shall become nonsuited, or wherein judgment shall be given against such plaintiff or plaintiffs upon demurrer, or where a verdict shall pass for the defendant or defendants, he or they shall have treble costs awarded, to be paid by the respective plaintiff or plaintiffs in such suit or action; any law, statute, or provision to the contrary notwithstanding.

In actions for unlawful arresting of persons found in the East-Indies, &c., the defendants may plead the general issue.

Proof to lie on the plaintiff.

Treble costs.

(1) [See note on section 101.]

(2) [See 10 Geo. 3, cap. 47, secs. 5 and 7.]

CXXIV. And be it further enacted, that all suits and prosecutions for any thing done under or by virtue of this Act, shall be commenced within the space of three years after the cause of complaint shall have arisen; or being done in the United Kingdom, in the absence of any person beyond sea, aggrieved thereby, then within the space of three years next after the return of such person to the United Kingdom.

Limitations of suits.

CXXV. And be it further enacted, that so much and such parts of this Act in respect whereof no particular time or times of commencement is or are herein named or appointed, shall have commencement from and after the tenth day of April, one thousand eight hundred and fourteen.

Parts of the Act, for which no particular time is appointed, to commence from 10th April, 1814.

54 GEORGII III. Cap. LXI.

An Act *to amend an Act of the twenty-second Year of his present Majesty, intituled, " An Act to prevent the granting in future any " Patent Office, to be exercised in any Colony or Plantation, now, " or at any Time hereafter, belonging to the Crown of Great Britain, " for any longer Term than during such Time as the Grantee " thereof or Person appointed thereto shall discharge the Duty " thereof in Person and behave well therein."* [27*th May*, 1814.]

This Act not to extend to the East-India Company.

V. And be it further enacted, that nothing in this Act contained shall operate to the prejudice of any subsisting grant of any office or offices, or shall be construed to affect any appointment, or any leave of absence, granted previous to the passing of this Act, or any renewed grant of any office which may be made in consequence of the demise of the Crown, to any person now holding the same: and that no provision of this Act shall be applicable or applied to any office granted or to be granted by the United Company of Merchants trading to the East-Indies, or to any rules, regulations, or provisions, made by the said Company with respect to the appointment or leave of absence of any of their civil or military servants.

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54 GEORGII III. Cap. CV.

An Act *to remove Doubts as to the Duties and Taxes heretofore imposed and levied under the Authority of the several Governments in the East-Indies.* [23*rd July*, 1814.]

Whereas doubts have arisen as to certain duties and taxes heretofore imposed by the several Governments of Fort William in Bengal, Madras, Bombay, and Prince of Wales' Island respectively: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all duties of customs and other taxes heretofore made or imposed, as well upon British subjects as foreigners, and other persons whomsoever, by the orders or under the authority of the Governor-General in Council of Fort William in Bengal, the Governor in Council at Fort Saint George, the Governor in Council of Bombay, and the Governor in Council of Prince of Wales' Island, respectively, within the several towns of Calcutta and Madras, the town and island of Bombay and Prince of Wales' Island, and upon all persons whomsoever resident or being therein respectively, and in respect to all goods, wares, merchandises, commodities, and property whatsoever, also being therein respectively, and also upon all persons whomsoever, whether British-born or foreigners, resident or being

Power of levying duties, &c., by the Governments in India confirmed.

in any country or place within the authority of the said Governments respectively, and in respect of all goods, wares, merchandises, commodities, and property whatsoever, being in any such country or place; and also all orders and regulations for the imposition, levying, raising, or recovering any such duties of customs or other taxes, or in anyways relating thereto, and all fines, penalties, and forfeitures heretofore imposed or levied by or under the authority of such Governor-General in Council and Governors in Council respectively, for the non-payment of such duties or taxes, or for the breach of any laws or regulations heretofore made by such Governor-General in Council and Governors in Council respectively, respecting such duties and taxes, shall be and the same are hereby confirmed, and shall be deemed to be as valid and effectual to all intents and purposes whatsoever, according to the true intent and meaning of the several orders, regulations, and usages, under which any such duties, taxes, fines, penalties, and forfeitures, have been imposed or levied, as fully and effectually as if the same had been imposed and made respectively under the provisions of an Act made in the last session of Parliament, intituled, "An Act for continuing in the East-India Company for a "further Term the Possession of the British Territories in India, together with certain "exclusive Privileges; for establishing further Regulations for the Government of the said "Territories, and the better Administration of Justice within the same; and for regulating "the Trade to and from the Places within the Limits of the said Company's Charter;" any Act or Acts of Parliament or law to the contrary thereof in anywise notwithstanding; and all arrears of such duties and taxes may be demanded, levied, sued for, and recovered, and all penalties and forfeitures for any breach of any such rules and regulations in relation to any such duties and taxes shall and may be sued for, recovered, and enforced under the provisions of the said recited Act, as fully and effectually as if the same had been imposed, made, incurred, or arisen after the passing thereof.

53 G. 3, c. 155.

II. And be it further enacted, that all such orders, regulations, usages, duties, taxes, fines, penalties, and forfeitures, shall be and remain in full force and effect until the same respectively shall be repealed, altered, or varied, by any orders or regulations made and passed, or to be made and passed, under or by virtue of the said recited Act: and all persons who have been engaged or concerned in advising, passing, imposing, demanding, levying, or recovering any such orders, regulations, duties, taxes, fines, penalties, and forfeitures, shall be and are hereby indemnified in respect thereof, and of all proceedings and acts had, done, or taken under and according to the true intent and meaning of any such orders, regulations, or usages; and all actions and suits whatsoever which have been or hereafter shall be commenced, sued, or prosecuted, for or touching the receipt, collection, or imposition of any such duties, taxes, fines, penalties, or forfeitures, shall be and become absolutely null and void to all intents and purposes whatsoever, save and except for the purpose of recovering any costs which may have been incurred in any such action, and which hath been or may be awarded to be paid by any party thereto: provided always, that nothing herein contained shall extend to confirm any act or proceeding, or to indemnify any person or persons in respect of any act or proceeding, done without the authority or contrary to the true intent and meaning of any such order, regulation, or usage, as is hereby intended to be confirmed.

Orders, &c., to remain in force, and persons indemnified.

55 GEORGII III. Cap. LIX.

An Act *for amending an Act of his present Majesty, to insure the proper and careful Manufacturing of Fire-arms in England, and for making Provision for proving the Barrels of such Fire-arms.* [12*th May*, 1815.]

Not to extend to arms made for his Majesty, or the East-India Company, or certain barrels specified.

V. Provided always, and be it further declared and enacted, that nothing in this Act contained shall extend, or be construed to extend, to that part of the United Kingdom called Scotland, or to that part of the United Kingdom called Ireland (except as to the forging marks, as in this Act after mentioned), or to the proving of any barrels used in the manufacturing of any musket, pistol, or other fire-arms, for the use of his Majesty's forces, or for the Honourable East-India Company, or to any barrels of the description hereinafter mentioned, *videlicet*, any barrels in the forged ground, finished or in any other state of manufacture, which shall be made or consist of stub or twisted stub, iron or other barrels, usually termed best barrels; (which said last-mentioned barrels may be and are hereby allowed to be sent, bought, or received for the purposes aforesaid, in any number not exceeding the number of twenty, without being subject to any of the penalties of the said recited Act or this Act, except that such barrels shall be liable to the penalty for using barrels not duly proved and marked); and nothing in this Act contained is to exempt, or be construed to exempt, such last-mentioned barrels from being proved and marked as required by the said recited Act and this Act.(1)

(1) [See 53 Geo. 3, cap. 115, sec. 3.]

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55 GEORGII III. Cap. LXIV.

An Act *to explain and amend an Act of the Fifty-third Year of his present Majesty, as far as relates to the granting Gratuities by the East-India Company.* [25*th May*, 1815.]

53 G. 3, c. 155.

Whereas by an Act of Parliament passed in the fifty-third year of his Majesty's reign, for continuing in the East-India Company, for a further term, the possession of the British territories in India, and for other purposes, after reciting therein, that it was expedient that the said Company should be put under reasonable limitations in respect to the granting of gratuities, it was enacted, that from and after the passing thereof, it should not be lawful for the Court of Directors of the said Company to charge the funds of the said Company with the payment of any gratuity to any officer, civil or military, or any other person, exceeding the sum of six hundred pounds, unless the grant or resolution for that purpose should have been sanctioned by the Court of Proprietors, and approved and confirmed by the Board of Commissioners for the Affairs of India; and that copies of all warrants or instruments granting any salary, pension, or gratuity, should be submitted to both Houses of Parliament,

within one month after such grant, if Parliament should be then sitting, or if not, within one month after their then next meeting: and whereas the said last-mentioned enactment doth not fully effectuate the intention expressed in the preamble thereto; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall not be lawful for the said Company, or for the Court of Directors of the said Company, with the sanction of the Court of Proprietors of the said Company, to charge the funds of the said Company with the payment of any gratuity to any officer, civil or military, or other person, exceeding the sum of six hundred pounds, unless the grant or resolution for that purpose shall have been approved and confirmed by the Board of Commissioners for the Affairs of India; and that copies of all warrants or instruments granting any salary, pension, or gratuity, shall be submitted to both Houses of Parliament within one month after such grant, if Parliament should be then sitting, or if not, within one month after their then next meeting.

Company not to charge themselves with any gratuity exceeding £600, unless approved by the Commissioners for India Affairs.

By 3 & 4 Wm. 4, cap. 85, sec. 25, all grants of money, except from the sum allotted for the home expenses of the Company, are to be subject to the approval of the Board.

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55 GEORGII III. Cap. LXXXIV.

An Act *to amend so much of an Act of the Thirty-third Year of his present Majesty, as relates to fixing the Limits of the Towns of Calcutta, Madras, and Bombay; and also so much of an Act of the Thirty-ninth and Fortieth Year of his present Majesty, as relates to granting Letters of Administration to the Effects of Persons dying intestate within the several Presidencies in the East-Indies to the Registrar of the Ecclesiastical Courts; and to enable the Governor in Council of the said Presidencies to remove Persons not being British Subjects; and to make Provision for the Judges in the East-Indies in certain cases.* [14*th June*, 1815.]

Whereas by an Act of the Parliament of Great Britain, made and passed in the thirty-third year of his present Majesty's reign, intituled, "An Act for continuing in the East-India "Company for a further Term the Possession of the British Territories in India, together "with their exclusive Trade, under certain Limitations; for establishing further Regulations "for the Government of the said Territories, and the better Administration of Justice within "the same; for appropriating to certain Uses the Revenues and Profits of the said Company; "and for making Provision for the good Order and Government of the Towns of Calcutta, "Madras, and Bombay;" it was amongst other things enacted, that if any question should arise touching or concerning the true limits and extent of the towns and factories of Calcutta,

33 G. 3. c. 52.

Madras, and Bombay respectively, or any of them, the same should be inquired into by the Governor-General in Council at Fort William, in respect to the limits and extent of Calcutta, and by the Governor in Council at Fort Saint George in respect to the limits and extent of Madras, and the Governor in Council at Bombay in respect of the town of Bombay; and that such limits as the said respective Governments by Order in Council should declare and prescribe to be the limits of the said towns and factories respectively, should be held, deemed, and taken in law as the true limits of the same; any custom or usage to the contrary notwithstanding; and whereas by reason of the increase of the population of the towns of Calcutta, Madras, and Bombay, it is expedient that the several Governments of Fort William, Fort Saint George, and Bombay, in the East-Indies, should be further empowered, in manner hereinafter mentioned, to extend from time to time the limits of the said several towns: may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for the Governor-General in Council at Fort William in Bengal, from time to time, as circumstances shall in their judgment require, to extend the limits of the town of Calcutta; and to and for the Governor in Council at Fort Saint George, from time to time, as circumstances shall in their judgment require, to extend the limits of the town of Madras; and to and for the Governor in Council at Bombay, from time to time, as circumstances shall in their judgment require, to extend the limits of the town of Bombay; and that such extended limits as the said respective Governments shall from time to time, in and by their respective Orders in Council, or by their regulations, declare and prescribe as aforesaid to be the limits of the said towns respectively, shall, from the time of publishing such Orders in Council, or regulations by proclamation, at the respective presidencies, be held, deemed, and taken, as and for the true limits of the same; and from time to time, as any extension shall be made thereof, all jurisdictions, powers, and authorities which by virtue of any Act or Acts of Parliament, or any Charter or Charters, or any law or usage, shall or may be bounded or regulated by the limits of the said towns respectively, shall thenceforth be bounded and regulated by the limits of the said towns respectively, as they shall be declared and prescribed from time to time in manner hereinbefore mentioned; any custom, law, or usage to the contrary notwithstanding: provided always, that no Order in Council or regulation hereafter to be made, and declaring or prescribing the limits of any of the said towns, shall be valid or effectual, until it shall have been sanctioned, or shall have been authorized to be made and passed by the Court of Directors of the United Company of Merchants of England trading to the East-Indies, with the approbation of the Board of Commissioners for the Affairs of India.

Limits of the towns of Calcutta, Madras, and Bombay.

II. And whereas by an Act passed in the thirty-ninth and fortieth year of the reign of his present Majesty, intituled, "An Act for establishing further Regulations for the Government "of the British Territories in India, and for the better Administration of Justice within the "same," it was enacted among other things, that whenever any British subject should die intestate, within either of the presidencies of Fort William, Fort Saint George, or Bombay, or the territories subordinate or to become subordinate thereto, and on return of the citation to be issued from the proper Ecclesiastical Court, no next of kin or creditor should appear and make out their claim to the administration of the effects of the intestate to the satisfaction of the said Court, it should and might be lawful for the registrar of such Court, and he was thereby required to apply for, and such Court was thereby directed to grant letters *ad colligenda* or of administration to such registrar, in manner as the said Act set forth: and whereas

39 & 40 G. 3, c. 79.

the said Act doth not expressly provide for the cases of executors or administrators, or persons entitled to administration as hereinafter mentioned, not resident within the jurisdiction of such Courts, who may have appointed attornies resident or being therein; and it hath been doubted whether the said Courts were not required under the said Act to grant letters *ad colligenda* or of administration to their registrars, in preference to attornies so appointed; and it is fit that such doubts be removed; be it therefore enacted and declared, that when the executor or administrator lawfully appointed, or the person entitled to administration as next of kin or residuary legatee with the will annexed, of any person deceased, whose effects shall be subject to the jurisdiction of any of the said Courts in respect to the granting of administration, not being resident within the jurisdiction of such Court, shall have appointed or shall hereafter appoint, either by power of attorney under seal, or by any other sufficient authority, to be shown to the satisfaction of the said Court, any person or persons resident or being within such jurisdiction to act for such executor or administrator, or person entitled to administration as aforesaid, in collecting or administering in any manner the effects of the deceased, the person or persons so appointed shall be entitled to obtain letters *ad colligenda* or of administration, either general or special, as the tenor of such authority and the nature of the case may require, preferably to the registrar of such Court, and all other persons to whom such executor or administrator, or persons entitled as aforesaid, would have had a preferable claim, if personally resident within the jurisdiction of the said Court.

Letters of administration to attornies of executors.

III. And be it further enacted, that where any such letters *ad colligenda* or of administration shall have been granted to the registrar of such Court, and application shall be afterwards made by any person or persons so appointed as aforesaid for the revocation thereof, in order to grant other letters to such person or persons, the letters so granted to such registrar shall be revoked, unless it shall appear to the said Court that there has been unreasonable delay, either in the transmission of the authority under which such application is made, or in making such application; provided always, that when any letters *ad colligenda* or of administration shall have been actually granted to the registrar of any such Court by virtue of the Act hereinbefore recited, and shall be revoked on the application of such attorney or attornies as aforesaid, it shall be lawful for such Court, if they shall think fit, to direct that the whole or part of any commission, in respect to the administration of assets which may arise or become due by virtue of any reasonable custom obtaining within the jurisdiction of such Court, shall be allowed to such registrar out of any assets which may have come to his hands, regard being had to the trouble and responsibility actually incurred, and to the service rendered by the said registrar in the collection of such assets: provided also, that nothing in this Act contained shall be construed to render necessary the taking out of letters *ad colligenda* or of administration from any of the Courts aforesaid, by any such attorney or attornies, otherwise than it would have been if this Act had not been made; and that no claim or right to any such commission in respect of administration of effects as aforesaid, shall be deemed to accrue to any such attorney or attornies by reason of letters *ad colligenda* or administration, taken out by him or them in virtue of such authority as aforesaid, nor any other or further commission than would have been payable to him or them as agents, either according to the usual and reasonable rates of such an agency, or by special agreement.

Making void letters of administration to registrar.

IV. Provided also, and be it further enacted, that this Act shall not, nor shall any thing herein contained, in anywise prejudice or affect the rights, claims, actions, suits, or appeals of any person or persons being entitled, or claiming to be entitled, either as principal or principals, attorney or attornies, to the probate or probates of any will or wills, codicil or

Not to affect the rights of persons entitled to probates of wills of administration of effects of persons who shall have died

before the passing of this Act, &c.

codicils, or letters *ad colligenda* or of administration of the goods, chattels, and effects of any person or persons who shall have died before the passing of this Act; nor the rights, claims, actions, suits, or appeals of any person or persons claiming or suing, or to claim or sue for the recall or repeal of any letters *ad colligenda* or of administration, granted of the goods, chattels, or effects of any person or persons who shall have died before the passing of this Act, which may have been or shall be granted to any such registrar as hereinbefore mentioned; nor to the rights, claims, actions, suits, or appeals of any person or persons claiming or to claim as executors, legatees, or next of kin of any person or persons who shall have died before the passing of this Act, in any way relating to the goods, chattels, property, estate, or effects of such deceased person or persons, or to the transactions, acts, deeds, neglects, defaults, intermeddlings, or accounts of any such registrar relating to any such goods, chattels, property, estate or effects, or under or by pretence of any letters *ad colligenda* or of administration, which may have been granted to him; nor in any way to entitle any such registrar to any commission, compensation, or allowance in respect of any thing done or to be done by him in relation to the goods, chattels, debts, credits, estate, or effects of any person or persons who shall have died before the passing of this Act, which he would not have been entitled to if this Act had not been passed; but every person being entitled to or claiming any such probate or probates, letters *ad colligenda* or of administration, or to have any such letters *ad colligenda* or of administration recalled or repealed, or having or been entitled to, or claiming or to claim any such cause or causes of action, suit, or appeal, shall be entitled thereto, and all benefit and advantage thereof, and to prosecute and carry on the same, in the same manner as he, she, or they would have been entitled if this Act had not been passed.

Registrar, when appointed administrator, to enter in a book separate accounts.

V. And be it further enacted, that in all cases in which the registrar of any of the said Courts shall be appointed administrator under the aforesaid Act, besides filing an inventory and account current according to the tenor of the administration bond and the usual course of the Ecclesiastical Court, he shall enter into a book, to be kept by him for that purpose, separate and distinct accounts of each estate, and of all such sums of money, bonds, and other securities for money, goods, effects, and things as shall come to his hands, or to the hands of any persons employed by him or in trust for him, by virtue of any letters *ad colligenda* or of administration granted to him under the authority of the said Act, and likewise of all payments made by him for or on account of the said estates, and of all debts due by or to the same, specifying the dates of such receipts and payments respectively; which said book shall be kept in the registrar's office, and shall be open for the inspection of all such persons, practitioners in the said courts or others, as may have occasion to inspect the same, at office hours, paying such reasonable fee as may be fixed therefore by the said Courts, and no more; and the said registrars shall twice in every year, that is, on the first day of March and the twenty-second day of October, or on the first day after those days on which their respective Courts shall be sitting, exhibit and deliver in open court, a true and perfect schedule of all sums of money, bonds, or other securities, received on account of each estate remaining under their charge, together with the payments made thereout, and the balances; and also of all administrations whereof the balances shall have been paid over to the persons entitled to the same, since the period of exhibiting the last schedule, specifying the amount of such balances, and the persons to whom paid; which schedules shall be filed of record in the said courts, and shall within fourteen days afterwards be published in the Gazettes of the presidencies within which such courts are respectively situated, by the said registrar, who shall likewise cause copies thereof, in triplicate, to be delivered to the chief

secretary at such presidency; and the same shall be transmitted by the respective Governments at such presidencies to the Court of Directors of the East-India Company, who, upon the receipt thereof, shall cause the same to be published in the *London Gazette.*

It is to be observed, that all the enactments in the preceding sections which affect the Registrars of the Courts at the various presidencies, now apply to the Administrator-General at each, appointed under Acts of Government of India, No. 7 of 1849, and No. 2 of 1850.

Removal of persons not being British subjects.

VI. And whereas it is expedient that the several Governments in the East-Indies should be enabled to prevent subjects of foreign states from residing or sojourning within the British territories there against the consent of such Governments respectively; be it further enacted, that it shall and may be lawful to and for the Governor-General in Council, and to and for the Governor in Council, or chief officer for the time being of any presidency, or of any place not being subordinate to any presidency under the Government of the United Company of Merchants of England trading to the East-Indies, to cause notice in writing to be given to any person, not being a native of any part of the British territories in India, or within the limits of the Charter of the said United Company, other than such natural-born subjects of his Majesty as may from time to time lawfully resort to or reside in the East-Indies, to remove himself or herself from such presidency, or from all or any part of the British territories in the East-Indies, as may be deemed expedient, within a time to be limited by such notice: and in case any such person shall not obey such notice, then it shall and may be lawful to and for the Governor-General in Council or Governor in Council, or other chief officer (as the case may be) of the place where such person shall be found, to cause such person to be apprehended and brought before the Court of Civil or Criminal Judicature, to the jurisdiction whereof such place may be subject; and upon proof being made upon oath to the satisfaction of such Court, by any credible witness swearing to his knowledge or belief, stating the ground of such belief, that such person is an alien and the subject of a foreign state, and that such notice as aforesaid has been served on such person, either personally or by leaving the same at his dwelling-house, unless such person shall prove that he is a natural-born subject of his Majesty authorized to reside in India, or a native of the British territories in India, or within the limits of the Charter of the Company, for the making which proof reasonable time and opportunity shall be allowed by the said Court, such person shall be remanded by the said Court into the custody of the Governor-General, Governor, or chief officer, who shall, as soon as may be, cause such person to be removed in such manner as his or her rank, state, and condition in life shall require, by the first convenient opportunity, to the country or place to which he or she shall belong, if he or she shall be willing to go thereto, or otherwise to such country or place as the Governor-General, Governor, or officer by whose authority he or she shall have been apprehended or shall be detained, shall be of opinion shall be most proper, regard being had to the convenience of the person to be removed, and the peace and security of the British territories in the East-Indies, and of the allies of his Majesty and the East-India Company, and of any neighbouring princes or states; and in the meantime and until such person can be conveniently and properly removed, it shall and may be lawful to detain him or her in such custody or under such guard as the person by whose authority he or she shall have been apprehended or shall be detained shall see fit and necessary, so as that the person detained may be put to as little inconvenience as shall be

consistent with the object of his or her detention; and in case any such person, having removed him or herself in pursuance of any such notice, or having been so removed, shall again wilfully return to any country or place from which he or she shall have had notice to remove, without the consent of the Government or chief officer of the place to which he or she shall so return, it shall and may be lawful to and for the Governor-General in Council, or Governor in Council, or chief officer of the place where such person shall be found, to cause such person to be apprehended and detained in safe custody, until he or she shall be discharged out of custody, upon such terms and conditions as the Governor-General in Council, Governor in Council, or other chief officer at the place where he or she shall be detained, shall deem sufficient for the peace and security of the British territories, and of the allies of his Majesty and of the East-India Company, and of the neighbouring princes and states.

Warrant or authority for apprehension.

VII. And be it further enacted, that it shall be lawful to carry into execution any warrant or authority for the apprehension, detention, or removal of any such person or persons as aforesaid, notwithstanding he, she, or they may be in custody, or delivered to bail, or in execution on any civil process, and notwithstanding any license, privilege, or protection whatsoever; any law, statute, or usage to the contrary notwithstanding: provided always, that no British subject, nor any native of the British territories in India, or within the limits of the Charter of the said Company, shall be apprehended, detained, or removed by virtue of any of the provisions herein contained, nor shall any thing herein contained in anywise alter or affect any law or statute under or by virtue of which any British subject may resort to or is restrained from resorting to the East-Indies: provided also, that it shall not be lawful to apprehend, detain, or remove any person being the subject of any foreign state, under or by virtue of this Act, in any way inconsistent with any treaty made or to be made by his Majesty or the East-India Company, and to the benefit of which such person shall be entitled.

Section 8 regulated the grant of retiring pensions to Judges of the Supreme Courts and Recorders; but the amount of such pensions and the period of residence required as qualification have been varied by later enactments. The existing provisions with regard to both will be found in 6 Geo. 4, cap. 85, secs. 7 to 12.

No action to be commenced against the Company until after twenty days' notice; nor after three years after the cause of complaint.

IX. And be it further enacted, that no action or suit shall be commenced against the said United Company, or any of their servants, or any person or persons whomsoever, for any thing done in pursuance or under colour of this Act, until twenty days' notice shall have been given to the said Company, or to the person or persons respectively against whom the same is to be brought, or after a sufficient satisfaction or tender thereof shall have been made to the party or parties aggrieved, nor after three years next after the cause of complaint shall have arisen; and the defendant or defendants in such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon (1), and that the same was done in pursuance and by authority of this Act; and if it shall appear to be so done, or that a sufficient satisfaction or tender thereof hath been made before the commencement of such action or suit, or that such action or suit hath been commenced after the time limited for bringing the same, or in any other manner than as directed by this Act, the plaintiff or plaintiffs shall become nonsuited; and in such case, or in any other cases wherein the plaintiff or plaintiffs shall become nonsuited, or discontinue his or their action or suit after the defendant or defendants shall have appeared, or wherein judg-

ment shall be given against such plaintiff or plaintiffs upon demurrer, or objection in nature of a demurrer, or where a verdict, or judgment in nature of a verdict, shall pass for the defendant or defendants, he or they shall have treble costs awarded, to be paid by the respective plaintiff or plaintiffs in such action or suit.

(1) [See 10 Geo. 3, cap. 47, secs. 5 and 7.]

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56 GEORGII III. Cap. LXXXII.

An Act *to render valid the Judicial Acts of Surrogates of Vice-Admiralty Courts abroad, during Vacancies in Office of Judges of such Courts.* [25*th June*, 1816.]

Whereas it is requisite that due validity should be given to the judicial acts of Surrogates who have executed the offices of Judges in the Courts of Vice-Admiralty established in his Majesty's plantations and colonies, during vacancies occasioned by the deaths or resignation or other removals of the said Judges, or who also shall hereafter execute the same during such vacation; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all judicial acts of Surrogates having been appointed to act as Judges during such vacancies, either by Judges of the said courts previously to their removal, or, in default of such appointment, by the Governors of the plantations and colonies in which such courts shall be, shall have the same force and validity, and shall be subject to the same course of appeal, as if the said acts had been done by the authority of Judges regularly appointed by the Lords Commissioners of the Admiralty.

Acts of Surrogates appointed by Judges, or by Governors of plantations and colonies, rendered valid.

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57 GEORGII III. Cap. LVII.

An Act *to empower his Majesty to suspend Training, and to regulate the Quotas of the Militia.* [30*th June*, 1817.]

The third section only of this Act requires insertion here. The Act therein referred to is the 42 Geo. 3, cap. 90.

III. And whereas doubts have arisen whether officers, serjeants, or other persons enlisting men to serve the United Company of Merchants of England trading to the East-Indies, are subject to the penalties, forfeitures, and provisions contained in the said recited Act of the forty-second year aforesaid, in relation to enlisting into his Majesty's other forces men enrolled

Persons enlisting militia-men for the East-India Company's service, subject to the penalties of recited Act.

or engaged to serve in the militia; and whether militia-men so enlisting, or militia-men offering themselves to serve for any other parish or place than the parish or place for which they are first enrolled, are within the provisions of the said Act contained in relation to offering to be enrolled in any other regiment, battalion, or company of militia; for remedy whereof, be it declared and enacted, that every officer, serjeant, or person who shall wilfully or knowingly enlist any man to serve the United Company of Merchants of England trading to the East-Indies, who at the time of such enlisting shall be enrolled or engaged to serve in the militia, shall be and be deemed to be within the provisions of the said recited Act, and shall be subject to the penalties and forfeitures therein contained for enlisting militia-men to serve in his Majesty's other forces; and that every militia-man offering to enlist to serve the United Company of Merchants of England trading to the East-Indies, who shall deny to the officer, serjeant, or other person recruiting men for such service, that he is at the time of such offering a militia-man, or who shall offer himself to be enrolled and be enrolled as a militia-man for any other parish or place than the parish or place for which he shall be then enrolled and serving, although in the same regiment, battalion, or corps, shall be subject and liable to the provisions in the said Act contained for the punishment and subsequent service of militia-men offering to enlist in his Majesty's other forces, or to be enrolled and serve in any other regiment, battalion, or corps of militia; any thing in the said recited Act contained to the contrary notwithstanding.

Militia-men offering to be enrolled for another parish, subject to punishment under recited Act for enlisting into another regiment, &c.

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58 GEORGII III. Cap. LXXXIII.

An Act *to amend and reduce into one Act the several Laws relating to the Manner in which the East-India Company are required to hire Ships.* [*5th June*, 1818.]

By one of the By-Laws of the Company, it is ordained that the provisions of this Act shall be considered as part of such By-Laws; but the discontinuance of the Company's trade renders most of them temporarily inoperative. The 14th section is the only one that need be inserted.

Act not to extend to vessels belonging to marine war establishments in India; nor to prevent the Company from consigning goods by private ships.

XIV. Provided also, that nothing herein contained shall extend, or be construed to extend, in anywise to relate to any of the ships or vessels belonging to or employed in the marine war establishment of the said United Company in the East-Indies; but it shall and may be lawful to and for the said United Company and their Court of Directors, and servants abroad, to hire, take up, and employ vessels for those purposes only, in such manner as they shall see fit; nor shall this Act extend, or be any ways deemed in any way to prevent the said United Company or their Court of Directors, or any of their officers or servants, from causing any goods to be loaded and carried on their account on board any private ship or vessel, though not chartered to or in the service of the said United Company.

58 GEORGII III. Cap. LXXXIV.

An Act *to remove Doubts as to the Validity of certain Marriages had and solemnized within the British Territories in India.*

[*5th June*, 1818.]

Whereas doubts have arisen concerning the validity of marriages which have been had and solemnized within the British territories in India, by ordained ministers of the Church of Scotland as by law established: and whereas it is expedient that such doubts should be quieted, and that the law respecting such marriages should be declared for the future: be it declared and enacted, and it is hereby declared and enacted, by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all marriages heretofore had and solemnized, or which shall be had and solemnized within the said territories in India, before the thirty-first day of December now next ensuing, by ordained ministers of the Church of Scotland as by law established, shall be, and shall be adjudged, esteemed, and taken to have been, and to be, of the same and no other force and effect as if such marriages had been had and solemnized by clergymen of the Church of England, according to the rites and ceremonies of the Church of England; and that from and after the said thirty-first day of December now next ensuing, all marriages between persons, both or one of such persons being members or member of or holding communion with the Church of Scotland, and making a declaration to the effect hereinafter mentioned, which marriages shall be had and solemnized within the British territories in India, by ordained ministers of the Church of Scotland as by law established, and appointed by the United Company of Merchants of England trading to the East-Indies to officiate as chaplains within the said territories, shall be, and shall be adjudged, esteemed, and taken to be, of the same and no other force and effect as if such marriages were had and solemnized by clergymen of the Church of England, according to the rites and ceremonies of the Church of England: provided always, that from and after the said thirty-first day of December, no such marriage as aforesaid shall be had and solemnized, till both or one of such persons, as the case may be, shall have signed a declaration in writing, in duplicate, stating that they, or he or she, as the case may be, are or is members or member of or holding communion with the Church of Scotland by law established.

Marriages solemnized in India before 31st December by ministers of the Church of Scotland to be of the same force as if solemnized by clergymen of the Church of England: and after that period, marriages between persons of the Church of Scotland by ministers of that communion, and appointed by the East-India Company, to be valid.

Declaration to be made by parties.

II. And be it further enacted, that the minister by whom such marriage shall be solemnized, shall, immediately upon the solemnization thereof, certify such marriage by a writing under his hand in duplicate, subjoined to or indorsed upon the declaration in duplicate hereinbefore mentioned, specifying in such certificate the names and descriptions of the parties between whom and of the witnesses in whose presence the said marriage has been had and solemnized, and the time and place of the celebration of the same; and such certificate in duplicate shall be also signed forthwith by the parties entering into such marriage, and by the witnesses to the same; and the minister officiating shall deliver one duplicate of such declaration and certificate to the persons married, or to one of them, and shall transmit the other duplicate of such declaration and certificate to the Chief Secretary of Government at the presidency within which such marriage shall have been had and solemnized.

Minister shall certify the marriage; and shall deliver a duplicate of the certificate to the party, and transmit another to the secretary of the presidency.

By 14 & 15 Vict. cap. 4, marriages, one or both of the parties professing the Christian religion, may be solemnized in the presence of the Marriage Registrar, and of two or more witnesses, according to such form as the parties may see fit to adopt, provided certain words specified in section 9 of the Act be used by the said parties in some part of the ceremony.

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59 GEORGII III. Cap. XXV.

An Act *to enable his Majesty to fix the Rate and direct the Disposal of Freight Money for the Conveyance of Specie and Jewels on board his Majesty's Ships and Vessels.* [*8th April*, 1819.]

Whereas it is expedient that his Majesty should be authorized to fix the rate and direct the disposal and distribution of freight money for the conveyance of specie and jewels on board his Majesty's ships and vessels; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act all freight money to be paid for the conveyance in any of the ships and vessels of his Majesty, his heirs and successors, of gold, silver, and jewels, or of any other article which may be by special order received on board the said ships and vessels, and for which freight shall be payable, shall be paid at such rate, and distributed and applied to such purposes, and divided to and amongst such persons in such proportions and after such manner as his Majesty, his heirs or successors, shall from time to time think fit to order and direct, by any proclamation or proclamations to be issued for that purpose; and that no freight money or reward shall hereafter be demanded, paid, received, or retained, by, to, or for the use or on account of any person or persons, for the conveyance on board of any of the ships or vessels of his Majesty, his heirs or successors, of any gold, silver, or jewels, or any other article which may be by special order received on board the said ship or vessel, and for which freight shall be payable, other than for the purposes and by the person or persons, in the proportion, at the rates, and in the manner so to be paid and allowed by proclamation or proclamations; and that all bargains, contracts, covenants, and agreements, made or entered into, or hereafter to be made or entered into, for the payment of any freight money for or in the name or on the account of freight for the conveyance of gold, silver, or jewels, or other articles as aforesaid, on board any of his Majesty's ships or vessels, at any other rate, or for any other purpose, or by or to any other person or persons, or in any other manner or proportions than as aforesaid, shall be and the same are hereby declared to be utterly void.

All freight to be paid for the conveyance on board his Majesty's ships and vessels, of gold, silver, or other valuable articles, shall be divided in the manner directed by proclamation.

In January, 1838, the Lords of the Admiralty, on the application of the Board of Commissioners for the Affairs of India, determined that the rate of freight for the conveyance of Company's treasure on board

her Majesty's ships, whether between England and India, or from one port to another in India or China, should be the same as that paid for the transfer of treasure belonging to the British Government.

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59 GEORGII III. Cap. LX.

An Act *to permit the Archbishops of Canterbury and York, and the Bishop of London, for the time being, to admit Persons into Holy Orders specially for the Colonies.* [*2nd July*, 1819.]

Whereas it is expedient that the archbishops and bishops of this realm should from time to time admit into holy orders persons specially destined for the cure of souls in his Majesty's foreign possessions, although such persons may not be provided with the title required by the canon of the Church of England of such as are to be made ministers: and whereas it will greatly tend to the advancement of religion within the same, that due provision shall be regularly made for a supply of persons properly qualified to serve as parsons, vicars, curates, or chaplains; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall be lawful for the Archbishop of Canterbury, the Archbishop of York, or the Bishop of London, for the time being, or any bishop specially authorized and empowered by any or either of them, to admit into the holy orders of deacon or priest any person whom he shall upon examination deem duly qualified specially for the purpose of taking upon himself the cure of souls, or officiating in any spiritual capacity in his Majesty's colonies or foreign possessions and residing therein, and that a declaration of such purpose and a written engagement to perform the same, under the hand of such person, being deposited in the hands of such archbishop or bishop, shall be held to be a sufficient title with a view to such ordination; and that in every such case it shall be distinctly stated in the letters of ordination of every person so admitted to holy orders, that he has been ordained for the cure of souls in his Majesty's foreign possessions.

Archbishop of Canterbury or York, or Bishop of London, or any bishop specially authorized by any of them, may ordain specially for the colonies.

The fact to be stated in the letters of ordination.

The remaining sections relate to the ecclesiastical privileges and disabilities in Great Britain and Ireland of persons thus ordained.

59 GEORGII III. Cap. LXIX.

An Act *to prevent the Enlisting or Engagement of his Majesty's Subjects to serve in Foreign Service, and the fitting out or equipping, in his Majesty's Dominions, Vessels for Warlike Purposes, without his Majesty's License.* [*3rd July*, 1819.]

The following section only of this Act requires place in this volume.

Penalties not to extend to persons entering into military service in Asia.

XII. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to subject to any penalty any person who shall enter into the military service of any prince, state, or potentate in Asia, with leave or license, signified in the usual manner, from the Governor-General in Council, or Vice-President in Council, of Fort William in Bengal, or in conformity with any orders or regulations issued or sanctioned by such Governor-General or Vice-President in Council.

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1 GEORGII IV. Cap. CI.

An Act *to enable the Examination of Witnesses to be taken in India in support of Bills of Divorce on account of Adultery committed in India.* [*24th July*, 1820.]

Whereas much inconvenience hath arisen to his Majesty's subjects residing in India, and petitioning either House of Parliament for Bills for the dissolution of marriages by reason of acts of adultery committed in India, from the difficulty of producing in England the evidence necessary to substantiate the allegations of such Bills: and whereas by reason of the religious scruples of several of the natives of India, it is impossible to prevail upon them to come to England for the purpose of being examined as witnesses at the bar of either House of Parliament: and whereas, for remedy of the said inconvenience, it is expedient that provision shall be made for examining witnesses in India, and for duly transmitting their depositions to such Houses of Parliament: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that whensoever and as often as either House of Parliament, upon the petition of any party praying for a Bill for the dissolution of any marriage, and stating that the witnesses necessary to substantiate the allegations of such Bill are resident in India, shall see cause to direct that the examinations of such witnesses shall be taken in India, the Speaker of such House of Parliament shall thereupon issue his warrant or warrants to the Judges of the Supreme Court of Judicature of the Presidency of Calcutta, the Judges of the Supreme Court of Judicature of the Presidency of Madras, the Recorder of the Presidency of Bombay (1), or the Judges of the

Speaker may issue his warrant for the examination of witnesses in India in cases of bills of divorce.

Supreme Court of Judicature of the island of Ceylon, respectively, accordingly as the witnesses proposed to be examined shall be resident within any one or more of the said presidencies, or the said island, for the examination upon oath of all such witnesses as shall be produced before them touching the allegations of such Bill, and touching any notices or other matters which shall in such warrant be specified; and that in all cases where such warrants shall be so issued, duplicates of such warrants, together with copies of such Bill, shall be transmitted by different ships, at the desire of the agent of the party or parties soliciting such Bill, to the persons to whom such warrants shall be directed.

(1) [Under 4 Geo. 4, cap. 71, the Recorder's Court at Bombay was replaced by a Supreme Court of Judicature.]

Judges in India, on receipt of such warrant, to examine such witnesses.

II. And be it enacted, that in all cases, immediately upon the receipt of such warrant or warrants, the Judges or Recorder to whom the same shall have been directed, shall appoint some time or times with all convenient speed for the examination of witnesses, and receiving other proofs touching the allegations of such Bill, and in opposition thereto, and touching such notices and other matters as shall in such warrant have been specified; and in the mean time shall cause such public notice to be given of such examination, and shall issue such summons or other process as may be requisite for the attendance of witnesses, and of the agents or counsel of all or any of the parties respectively, and of such other witnesses as after mentioned, and to adjourn from time to time as occasion may require; and such examinations as aforesaid shall be then and there openly and publicly taken *vivâ voce* upon the respective oaths of witnesses, and the oaths of skilful interpreters, administered according to the forms of their several religions, and shall, by some sworn officer of the Court, be reduced into writing, and that two copies thereof shall be made; and that the Judges or Recorder before whom such examination shall have been taken, shall certify the same under the official seal of their several Courts, together with a declaration of such Judges or Recorder, that such examinations have in their or his judgment been fairly and properly conducted, and that all such witnesses had been produced as were fit to be produced, for the purpose of ascertaining the whole truth, so far as the attendance of such witnesses could be reasonably obtained; and shall transmit the same by different ships to the Speaker of either House of Parliament, under whose warrant such examination shall have been taken; and every such examination so returned to the Speaker of either House of Parliament as aforesaid, shall be competent and admissible evidence, and shall be allowed and read in both Houses of Parliament, or either of them respectively, as occasion may require; any law or usage to the contrary notwithstanding.

Two copies of such examinations to be certified and transmitted to the Speaker of either House of Parliament.

Judges may ask such further questions and require such further witnesses to be produced as shall be necessary.

III. And be it further enacted, that it shall and may be lawful for such Judges or Recorder, upon any such examination, to ask any such questions of any witness who shall be produced before them or him, and to require such further witnesses resident within such presidency or island respectively to be produced, as shall appear fit and necessary for the due investigation of the allegations of such Bill, or of any other matters in such warrants specified; and to allow such attendance by counsel, and such cross-examination of witnesses, as shall be deemed by such Judges and Recorder to be fit and proper for the purpose of such investigation, and for such purpose, if necessary, to name some proper person or persons to attend as counsel and agent in opposition to such Bill, and to procure any evidence which may be necessary for the purpose of such opposition, to the end that a full and fair disclosure may be made of all the facts and circumstances of the case.

Proceedings not to be discontinued by prorogation, &c., of Parliament, where such warrants have been issued.

IV. And whereas by the usage and custom of Parliament, no proceedings by Bill in Parliament have continuance from one session to another; and whereas it would be impracticable that the examination taken upon such warrant as aforesaid could ever be returned within the ordinary length of a session of Parliament: be it enacted by the authority aforesaid, that from and after the passing of this Act no proceedings in Parliament, touching any Bill for the dissolution of marriage, wherein such warrant as aforesaid shall have been issued, shall be discontinued by any prorogation or dissolution of Parliament, until the examination therein directed shall have been returned, but that such proceedings may be resumed and proceeded upon in a subsequent session, or in a subsequent Parliament, in either House of Parliament, in like manner and to all intents and purposes as they might have been in the course of one and the same session; any law, usage, or custom to the contrary notwithstanding.

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1 & 2 GEORGII IV. Cap. LXI.

An Act *to regulate the Appropriation of unclaimed Shares of Prize Money belonging to Soldiers or Seamen in the Service of the East-India Company.* [23*rd June*, 1821.]

This Act had retrospective effect only. By 9 Geo. 4, cap. 50, provision was made for the appropriation of all prize-money that had accrued subsequently, or might thereafter accrue, being unclaimed.

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4 GEORGII IV. Cap. LXXI.

An Act *for defraying the Charge of Retiring Pay, Pensions, and other Expenses of that nature, of his Majesty's Forces serving in India; for establishing the Pensions of the Bishop, Archdeacons, and Judges; for regulating Ordinations; and for establishing a Court of Judicature at Bombay.* [11*th July*, 1823.]

33 G. 3, c. 52.

Whereas by an Act made and passed in the thirty-third year of the reign of his late Majesty King George the Third, intituled, "An Act for continuing in the East-India "Company, for a further Term, the Possession of the British Territories in India, together "with their exclusive Trade, under certain Limitations; for establishing further Regulations "for the Government of the said Territories, and the better Administration of Justice within "the same; for appropriating to certain Uses the Revenues and Profits of the said Company; "and for making Provision for the good Order and Government of the Towns of Calcutta,

" Madras, and Bombay," it is enacted that all sums issued by the Paymaster-General of his Majesty's Forces, for and on account of his Majesty's forces serving in India, or for raising and supplying recruits for the same, shall be repaid by the said United Company, and that the actual expenses only which are incurred for the support and maintenance of the said troops shall be borne and defrayed by the said United Company: and whereas, by another Act made and passed in the fifty-third year of the reign of his said late Majesty, intituled, " An Act for continuing in the East-India Company for a further Term the Possession of " the British Territories in India, together with certain exclusive Privileges: for establishing " further Regulations for the Government of the said Territories, and the better Administra- " tion of Justice within the same; and for regulating the Trade to and from the Places " within the Limits of the said Company's Charter," it is enacted, that for and during the continuance of the possession and government of the said territorial acquisitions and revenues in the said United Company, the rents, revenues, and profits arising from the said territorial acquisitions, after defraying the charges and expenses of collecting the same, should be applied and disposed of to and for the uses and purposes and in the order of preference thereinafter expressed, and to or for no other use or purpose or in any other manner whatsoever, any Act or Acts of Parliament then in force to the contrary notwithstanding: and in the first place in defraying all the charges and expenses of raising and maintaining the forces, as well European as native military, artillery, and marine on the establishments in the East-Indies and parts aforesaid, and of maintaining the forts and garrisons there, and providing warlike and naval stores; but no provision has been made for the charge incurred for retiring pay and pensions, and other expenses of that nature, arising in respect of his Majesty's forces serving in India; and the said United Company in consideration thereof have agreed to pay, for those purposes, the annual sum of sixty thousand pounds, to commence from the thirtieth day of April, one thousand eight hundred and twenty-two, out of the territorial revenues in the East-Indies, as hereinafter mentioned; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that over and above all sum and sums of money now payable by the said United Company in respect of his Majesty's forces serving in the East-Indies, the annual sum of sixty thousand pounds, to commence from the said thirtieth day of April, one thousand eight hundred and twenty-two, shall be paid out of the rents, revenues, and profits arising from the said territorial acquisitions, in full discharge and satisfaction of all claims upon the said Company for retiring pay, pensions, and other expenses of that nature, granted or payable by his Majesty or by authority of Parliament or otherwise, in respect of any of the forces of his Majesty which have served, are now serving, or which hereafter may serve in the East-Indies; such annual sum of sixty thousand pounds to be payable by the said United Company out of any money in their treasury applicable to the territorial charges in the East-Indies, by even quarterly payments, on the thirtieth day of July, the thirtieth day of October, the thirtieth day of January, and the thirtieth day of April in every year, into the receipt of his Majesty's Exchequer, there to remain at the disposal of Parliament; and such payments shall be charged upon and borne by the rents, revenues, and profits arising from the territorial acquisitions, in the same order as the charges and expenses of raising and maintaining the said forces are now charged and borne.

53 G. 3, c. 155.

In addition to the sum now payable, the East-India Company to pay an annual sum of £60,000 for retiring pay, pensions, or other allowances of his Majesty's forces serving in India.

To be paid quarterly.

Section 2 repeals so much of 53 Geo. 3, cap. 155, as related to pensions to the Bishop of Calcutta and the Archdeacons of Calcutta, Madras, and Bombay.

Pensions to bishop and archdeacons.

III. And be it further enacted, that it shall and may be lawful for his Majesty, his heirs and successors, in manner in the said Act mentioned, to grant to any such bishop who shall have exercised in the East-Indies, or parts aforesaid, for ten years, the office of bishop or archdeacon, and to any such archdeacon who shall have exercised in the East-Indies or parts aforesaid, for ten years, the office of archdeacon, pensions not exceeding such sums respectively as his Majesty by the said Act of the fifty-third year of the reign of his late Majesty is empowered to grant to any such bishop or archdeacon. (1)

(1) [To the Bishop of Calcutta, £1,500 per annum; to an Archdeacon, £800 per annum. By the 6 Geo. 4, cap. 85, secs. 15 and 16, the Bishop of Calcutta, relinquishing his see from illness or infirmity, after five years' exercise of his office, may receive a pension of £750; and, after seven years' exercise, £1,000 per annum. For retiring pensions of Bishops of Madras and Bombay, see 3 & 4 Wm. 4, cap. 85, sec. 96; and for the effect of translation in estimating the period of residence, as well as that of previous archdiaconal residence by a Bishop of Madras or Bombay, see sec. 98 of the same Act. By 5 & 6 Vict. cap. 119, the Bishop of Calcutta, after a residence of ten years, may return to Europe for a period not exceeding eighteen months, with a furlough allowance not exceeding the highest amount of retiring pension. For furlough allowance to Bishops of Madras and Bombay, and the conditions under which it is to be enjoyed, see Act last referred to.]

Chaplains acting as archdeacons to be entitled to pension, in a certain proportion.

IV. Provided also, and be it further enacted, that if any person residing any time in the East-Indies or parts aforesaid, as one of the chaplains of the said United Company, shall have been or shall be appointed to the office of such archdeacon as aforesaid, and shall have resided in the East-Indies or parts aforesaid as such archdeacon seven years, the period of residence of such person as chaplain shall be accounted and taken as and for a residence as such archdeacon, in the proportion of three years' residence as such chaplain to two years' residence as such archdeacon: provided also, that nothing herein contained shall extend, or be construed to extend, to prejudice the right of any person being or having been a chaplain of the said United Company, to any benefit he may be entitled to as under or by virtue of any regulation now in force, or hereafter to be made by the said United Company or their Court of Directors, nor to prejudice or affect the right of the said United Company, or their Court of Directors, to make, repeal, vary, or alter any regulation or regulations respecting the chaplains of the said United Company, or the pay or allowances, pensions or retirements of such chaplains which the said United Company or their Court of Directors may now lawfully make, repeal, vary, or alter.

Further provision as to chaplains.

Residence and expense of visitations of bishop to be defrayed by the Company.

V. And whereas it is proper that a suitable house of residence should be provided for the said bishop, and that the expenses of his visitations should be defrayed by the said Company; be it therefore further enacted, that it shall and may be lawful for the said Company, and they are hereby required to provide a suitable house at Calcutta for the residence of the said bishop, and that the expense of the visitations to be made by the said bishop from time to time shall be defrayed by the said Company, out of the revenues of the British territories in

India: provided always, that no greater sum on account of providing such house, or of such visitations, be at any time issued, than shall from time to time be defined and settled by the Court of Directors of the said Company with the approbation of the Commissioners for the Affairs of India, any law or statute to the contrary notwithstanding.

VI. And whereas doubts have arisen whether the Bishop of Calcutta, in conferring holy orders, is subject to the several provisions and limitations established by the laws of this realm or canons ecclesiastical, as to the titles of the persons to be ordained, and as to the oaths and subscriptions to be by such persons taken and made; be it further declared and enacted, that it shall and may be lawful for the Bishop of Calcutta for the time being to admit into the holy orders of deacon and priest respectively any person whom he shall, upon examination, deem duly qualified, especially for the purpose of taking upon himself the cure of souls, or officiating in any spiritual capacity within the limits of the said diocese of Calcutta, and residing therein; and that a declaration of such purpose, and a written engagement to perform the same, under the hand of such person, being deposited in the hands of such bishop, shall be held to be a sufficient title with a view to such ordination; and that in every such case, it shall be distinctly stated in the letters of ordination of every person so admitted to holy orders, that he has been ordained for the cure of souls within the limits of the said diocese of Calcutta only; and that unless such person shall be a British subject of or belonging to the United Kingdom of Great Britain and Ireland, he shall not be required to take and make the oaths and subscriptions which persons ordained in England are required to take and make: provided always, that nothing herein contained shall be construed to repeal or affect the provisions of an Act passed in the fifty-third year of the reign of his late Majesty King George the Third, intituled, "An Act for continuing in the East-India Company, for "a further Term, the Possession of the British Territories in India, together with certain "exclusive Privileges; for establishing further Regulations for the Government of the said "Territories, and the better Administration of Justice within the same; and for regulating "the Trade to and from the places within the limits of the said Company's Charter," or any Letters Patent issued by his late Majesty, or by his present Majesty, their heirs and successors, in virtue of the said Act or of their lawful prerogative.

Power to the Bishop of Calcutta to admit persons to holy orders.

Provisions of 53 G. 3, c. 155, not to be affected.

VII. And whereas his late Majesty King George the Second did, by his Letters Patent, bearing date at Westminster the eighth day of January, in the twenty-sixth year of his reign, grant unto the United Company of Merchants of England trading to the East-Indies his royal Charter, thereby, amongst other things, constituting and establishing courts of civil, criminal, and ecclesiastical jurisdiction at the United Company's respective settlements at Madraspatnam, Bombay or the island of Bombay, and Fort William in Bengal: and whereas the said Charter, in as far as it respects the administration of justice at Bombay, has been altered and changed by virtue of an Act passed in the thirty-seventh year of his late Majesty King George the Third, intituled, "An Act for the better Administration of Justice at "Calcutta, Madras, and Bombay; and for preventing British Subjects from being concerned "in Loans to Native Princes in India;" and by Letters Patent granted by his said late Majesty King George the Third, and bearing date at Westminster on the twentieth day of February, in the thirty-eighth year of his reign, amongst other things, for the establishment of a court called "The Court of the Recorder of Bombay;" and whereas the said Charter of the eighth day of January, in the twenty-sixth year of the reign of his Majesty King George the Second, so far as it respects the administration of justice at Fort William in Bengal, has been altered and changed by virtue of an Act passed in the thirteenth year of his said late Majesty King George the Third, intituled, "An Act for establishing certain

Supreme Court of Judicature at Bombay to be established.

37 G. 3, c. 142.

13 G. 3, c. 63.

" Regulations for the better Management of the Affairs of the East-India Company, as well " in India as in Europe," and by divers subsequent statutes; and whereas the said last-mentioned Charter, so far as it respects the administration of justice at Madras, has been altered or changed by virtue of the said Act of the thirty-seventh year of his said late Majesty King George the Third, and also by an Act of the thirty-ninth and fortieth years of his said late Majesty, intituled, " An Act for establishing certain Regulations for the Government of the " British Territories in India, and the better Administration of Justice within the same:" and whereas it may be expedient, for the better administration of justice in the said settlement of Bombay, that a Supreme Court of Judicature should be established at Bombay, in the same form and with the same powers and authorities as that now subsisting by virtue of the several Acts before mentioned at Fort William in Bengal; be it therefore enacted, that it shall and may be lawful for his Majesty, his heirs and successors, by Charter or Letters Patent under the Great Seal of Great Britain, to erect and establish a Supreme Court of Judicature at Bombay aforesaid, to consist of such and the like number of persons, to be named from time to time by his Majesty, his heirs and successors, with full power to exercise such civil, criminal, admiralty, and ecclesiastical jurisdiction, both as to natives and British subjects, and to be invested with such powers and authorities, privileges and immunities, for the better administration of the same, and subject to the same limitations, restrictions, and control, within the said town and island of Bombay, and the limits thereof, and the territories subordinate thereto, and within the territories which now are or hereafter may be subject to or dependent upon the said Government of Bombay, as the said Supreme Court of Judicature at Fort William in Bengal, by virtue of any law now in force and unrepealed, doth consist of, is invested with, or subject to, within the said Fort William, or the places subject to or dependent on the Government thereof: provided always, that the Governor and Council at Bombay, and the Governor-General at Fort William aforesaid, shall enjoy the same exemption, and no other, from the authority of the said Supreme Court of Judicature to be there erected, as is enjoyed by the said Governor-General and Council at Fort William aforesaid for the time being, from the jurisdiction of the Supreme Court of Judicature there already by law established.

39 & 40 G. 3, c. 79.

Records of Mayor's Court at Bombay to be delivered over to Supreme Court.

VIII. And be it further enacted, that if his Majesty, his heirs or successors, shall grant such Charter as aforesaid, and erect such Supreme Court of Judicature at Bombay as aforesaid, all the records, muniments, and proceedings whatsoever, of and belonging to the late Mayor's Court at Bombay, or to the late Court of Oyer and Terminer and Gaol Delivery, which were by the said Act passed in the thirty-seventh year of his said late Majesty King George the Third directed to be delivered over, preserved, and deposited in the new Courts erected by virtue of the said Act, and all records, muniments, and proceedings whatsoever of and belonging to the said Court of the Recorder of Bombay, or to any of the Courts established under and by virtue of the said Act passed in the thirty-seventh year of the reign of his said late Majesty King George the Third, shall from and immediately after such Supreme Court of Judicature as his Majesty is hereby empowered to erect shall be established at Bombay, be delivered over to be preserved and deposited for safe custody in the said Supreme Court of Judicature to be erected at Bombay, to which all parties concerned shall and may have resort and recourse upon application to the said Court.

Repeal of so much of Charter and Acts as relate to Court of Recorder.

IX. And be it further enacted, that so much of the Charter granted by his said late Majesty King George the Third, for erecting the Court of the Recorder of Bombay, as relates to the appointment of such Recorder and the erecting of such Courts of Judicature at Bombay, in case a new Charter shall be granted by his Majesty, his heirs or successors, and

shall be openly published at Bombay, from and immediately after such publication shall cease and determine, and be absolutely void to all intents and purposes whatsoever; and all powers and authorities granted by the said Act of the thirty-seventh year of his said late Majesty King George the Third to the said Court of the Recorder at Bombay, shall cease and determine and be no longer exercised by the said Court, but the same shall and may be exercised by the Supreme Court of Judicature to be erected by virtue of this Act, in the manner and to the extent hereinbefore directed.

Section 10 authorizes the payment of certain salaries to the Judges of the Supreme Court at Bombay, the amounts of which are varied by 6 Geo. 4, cap. 85, sec. 2.

XI. And be it further enacted, that the said salaries of such Chief Justice and Judges shall commence and take place from and after their respectively taking upon them the execution of their office as aforesaid, and that all such salaries shall be in lieu of all fees of office, perquisites, emoluments, and advantages whatsoever; and that no fees of office, perquisites, emoluments, or advantages whatsoever, shall be accepted, received, or taken in any manner or on any account or pretence whatsoever, other than such salaries or allowances as are in and by this Act directed to be paid.

Salaries to be in lieu of all fees.

XII. And be it further enacted, that the said Court of Directors shall and they are hereby required to pay and advance to every person who shall be appointed Chief Justice of the said Supreme Court to be erected in pursuance of this Act, and who shall be resident in the United Kingdom at the time of his appointment, the sum of one thousand two hundred pounds, and to every person who shall be appointed Puisne Judge of the said Court, and who shall be resident in the United Kingdom at the time of his appointment, the sum of one thousand pounds, for the purpose of defraying the expenses of their equipment and voyage.

Defraying expenses of equipment and voyage.

XIII. Provided always, and be it further enacted, than when either of the Judges of the Supreme Court of Judicature which his Majesty is hereby empowered to erect at Bombay, shall respectively leave India, the salary payable under and by virtue of this Act to any such Judge shall cease and be no longer paid; any thing herein contained to the contrary thereof in anywise notwithstanding.

Salary to cease on Judge's leaving India.

The 14th section repeals the provisions of former Acts as to the time of residence entitling Indian Judges to pension.

The 15th and 16th sections, relating to pensionary provision for retired judicial officers, and the period of residence required as a qualification, are repealed by 6 Geo. 4, cap. 85, sec. 6. See sections 7 to 14 of that Act for present regulations on the subject.

XVII. And be it further declared and enacted, that it hath been and is and shall be lawful for the Supreme Court of Judicature at Madras, within Fort Saint George and the town of Madras and the limits thereof, and the factories subordinate thereto, and within the territories which now are or hereafter may be subject to or dependent upon the Government of Madras; and that it shall be lawful for the said Supreme Court of Judicature at Bombay,

Court at Madras and Bombay to have the same powers as the Court at Fort William in Bengal.

to be created by virtue of this Act, within the said town and island of Bombay, and the limits thereof, and the factories subordinate thereto, and within the territories which now are or hereafter may be subject to or dependent upon the said Government of Bombay; and the said Supreme Courts respectively are hereby required, within the same respectively, to do, execute, perform, and fulfil all such acts, authorities, duties, matters, and things whatsoever, as the said Supreme Court of Fort William is or may be lawfully authorized, empowered, or directed to do, execute, perform, and fulfil within Fort William in Bengal aforesaid, or the places subject to or dependent upon the Government thereof.

Section 18 provides that nothing in this Act shall affect pensions previously granted to retired Judges of the Supreme Courts at Fort William or Madras, nor the power of the Crown to grant similar pensions to any persons at the time of the passing of the Act exercising the office of Judge in those courts.

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4 GEORGII IV. Cap. LXXX.

An Act *to consolidate and amend the several Laws now in force with respect to Trade from and to Places within the Limits of the Charter of the East-India Company, and to make further Provisions with respect to such Trade; and to amend an Act of the present Session of Parliament, for the registering of Vessels, so far as it relates to Vessels registered in India.* [18*th July*, 1823.]

This Act, which repealed various previous enactments relating to the trade of the East-India Company, was itself repealed by 3 & 4 Wm. 4, cap. 93, except the repealing clauses, and the following sections relating to Asiatic seamen. Of these latter, one (sec. 20) was repealed by 12 & 13 Vict. cap. 29, and others have become obsolete. The following it has been deemed proper to insert.

Governor of Fort William to make rules &c., with respect to masters, &c., of vessels trading under this Act.

XXV. And be it further enacted, that it shall and may be lawful to and for the Governor-General of Fort William in Bengal in Council, and he is hereby required, as soon as may be, to make, ordain, and publish, and from time to time, as occasion may require, to repeal and alter, and newly to make, ordain, and publish, such rules and regulations, to be observed by masters, officers, and owners of ships and vessels trading under the authority of this Act, the crews of which ships or vessels shall be wholly or in part composed of Asiatic sailors, Lascars, or natives of any of the territories, countries, islands, or places within the limits of the Charter of the said United Company, for the due supply of provisions, clothing, and other necessary accommodation of such Asiatic sailors, Lascars, and natives aforesaid, whilst

they shall be on board such ships or vessels, and whilst absent from the countries or places to which they shall respectively belong, and until they shall be carried back to the places to which they may belong, or from whence they may have been brought, and for the conveyance back of such Asiatic sailors, Lascars, or natives aforesaid, within a reasonable time to be fixed by such rules or regulations.

XXVI. And be it further enacted, that all such rules and regulations, until they shall be repealed or altered, shall be observed and performed according to the true intent and meaning thereof, in like manner as if they had been herein inserted and had formed part of this Act; and a copy of all and every such rules and regulations, signed and authenticated as such by the secretary for the time being of the Government of Bengal, or by the secretary for the time being of the said United Company, shall be deemed and received and taken, in and by all Courts, Justices, and other persons, as full, sufficient, and conclusive evidence of such rules and regulations.

Such rules and regulations to be observed in like manner as if they had formed part of this Act.

XXVII. And be it further enacted, that the master or other person having the command of every ship or vessel trading under the authority of this Act, which from and after the passing of this Act shall arrive at any port in the United Kingdom of Great Britain or Ireland, and which shall have on board, or which during any part of her voyage shall have had on board, either as part of her crew or in any other character, or for any other reason, any Asiatic sailor, Lascar, or native of any of the territories, countries, islands, or places within the limits of the Charter of the said United Company, before such ship or vessel shall be admitted to entry, shall make out and exhibit to the principal officers of the customs, or other person thereunto lawfully authorized, a true and perfect list and description of every such Asiatic sailor, Lascar, or native aforesaid, which shall then be, or who during any part of her voyage shall have been on board such ship or vessel, with a true account and statement what shall have become of every such Asiatic sailor, Lascar, and native aforesaid, who may have been and shall not then be on board.

Masters of vessels to make out list of every Lascar, &c., on board, before such ship shall be admitted to entry.

XXVIII. And be it further enacted, that for every breach or non-observance of any rule or regulation to be made in pursuance of this Act, in relation to Asiatic sailors, Lascars, or natives aforesaid, which shall have happened or taken place, and for every omission to make out and exhibit such list, description, account, or statement of and respecting all such Asiatic sailors, Lascars, or natives aforesaid, as herein is required, the master or commander, and all and every the owners and owner of the ship or vessel on board which any such Asiatic sailor, Lascar, or native aforesaid shall be or shall have been, shall forfeit the sum of ten pounds for every Asiatic sailor, Lascar, or native aforesaid, in respect of whom such breach, non-observance, omission, or defect shall have happened or taken place, to be recovered against the master, commander, and owners jointly or severally, by bill, plaint, information, or action, in any of his Majesty's Courts of Record in the United Kingdom of Great Britain and Ireland, or in the East-Indies, or elsewhere, to be commenced in the county or presidency or place where any such offender may happen to be, or by conviction in a summary way before two Justices of the Peace in the United Kingdom, or in the East-Indies, of the county or presidency where any such offender may happen to be: and of which sum and sums so to be forfeited, one third part thereof shall go, belong, and be paid to the person or persons who shall inform or sue for the same, and the other two third parts thereof shall be paid to such person or persons as the Court or Justices before whom the same shall be recovered shall award, to be applied in payment or reimbursement of any expense which may have been incurred by or for the use of the Asiatic sailor, Lascar, or native aforesaid, or the

Penalty for breach of regulations relative to Lascars, &c.

respective Asiatic sailors, Lascars, or natives aforesaid, in respect of whom such forfeiture or forfeitures shall have been recovered, or in such other manner, for his or their maintenance, return home, or benefit, as the Court or Justices before whom the same shall be recovered shall direct.

Convictions to be drawn up in the following form:

XXIX. And for the more easy and speedy conviction of the offenders under this Act, be it further enacted, that the Justices of the Peace before whom any person or persons shall be convicted of any offence under this Act, shall and may cause the conviction to be drawn up in the following form of words, or in any other form of words to the like effect, as the case may happen; *videlicet*,

Form of conviction.

"Be it remembered, that on the day of
"in the year of our Lord
"*A. B.* [*the offender or offenders*] is [*or* are] convicted before us, two of his "Majesty's Justices of the Peace for [the county *or* presidency, *as the case may be*] "by virtue of an Act made in the fourth year of the reign of his Majesty King George "the Fourth, intituled [*setting forth the title of this Act*] of having [*here state the* "*offence or offences*] which offence [*or* offences, *as the case may be*] has, by confession "of the offender [*or* offenders, *or* the oath of one or more credible witness or witnesses, "*as the case may be*]; for which said offence [*or* offences, *as the case may be*] we do "adjudge that the said offender [*or* offenders] hath [*or* have] forfeited and do pay "the sum of [*the amount forfeited*]; one-third part whereof we do order and direct "to be paid to [*the informer*], and the other two-thirds thereof to *C. D. and E. F.* "[*such persons as the said Justices shall direct*] to be applied [*in such manner as the* "*case may require*] pursuant to the provisions of the said Act. Given under our "hands and seals the day and year first above written."

Recovery of penalties.

XXX. And be it further enacted, that all sums of money of which any person shall be so convicted as aforesaid, shall and may be levied by distress and sale of the goods and chattels of the offender; and that for want of sufficient distress every such offender may be committed to prison in the common gaol or house of correction, for the space of three calendar months.

Lascars, &c., convicted of vagrancy to be shipped on board of vessel bound to the place from whence brought.

XXXI. And whereas it may happen that Asiatic sailors, Lascars, and natives aforesaid, may refuse to accept the maintenance to be provided for them under the rules and regulations before referred to, or to return home in ships or vessels which may be engaged for that purpose; be it therefore enacted, that if any such Asiatic sailor, Lascar, or native aforesaid, shall at any time be convicted of an act of vagrancy under any of the laws in force in the United Kingdom respecting vagrants, it shall and may be lawful to and for the Justice or Justices or Magistrates before whom such conviction shall take place, to order and direct that he shall be shipped on board any ship or vessel bound to the place, or as near as may be to the place to which he shall belong, or from which he shall have been brought, and the commander of which shall be willing to take charge of him, in order to his being returned thereto, at the expense of the person or persons liable under any rule or regulation to be made as before mentioned, or of any other person being otherwise willing to defray the same; and it shall and may be lawful for the commander of any such ship or vessel having taken charge of such vagrant, and he is hereby required, to keep and detain him on board his ship for the voyage for which he shall be shipped.

XXXII. Provided also, and be it further enacted, that no conviction, order, or proceeding to be made or had by or before any Justices of the Peace, or other magistrate, by virtue of this Act, shall be quashed or vacated for want of form, and that the order of such justices or other magistrates shall be final, and that no proceedings of any such justices or other magistrates in pursuance of this Act shall be removable by *certiorari* or otherwise.

Proceedings not to be quashed for want of form.

XXXIII. And be it further enacted, that if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this Act, then and in every such case, such action or suit shall be commenced or prosecuted within three months after the fact committed, and not afterwards; and the same and every such action or suit shall be brought in the county or place where the cause of action shall have arisen, and not elsewhere; and the defendant or defendants in every such action or suit shall and may plead the general issue, and at the trial thereof give this Act and the special matter in evidence; and if the matter or thing complained of shall appear to have been done under the authority and in execution of this Act, or if any such action or suit shall be brought after the time limited for bringing the same, or be brought and laid in any other county or place than as afore-mentioned, then the jury shall find for the defendant or defendants; and if the plaintiff shall become nonsuit, or discontinue his or her action after the defendant shall have appeared, or have a verdict against him or her, or if, upon demurrer, judgment shall be given against the plaintiff, the defendant shall and may recover treble costs, and have the like remedy for recovery thereof as any defendant or defendants hath or have in any cases of law.

Actions to be commenced within three months.

XXXIV. And be it further enacted, that if any Asiatic sailor, Lascar, or native of any of the territories, countries, islands, or places within the limits of the Charter of the said United Company, having been brought to the United Kingdom on board any ship or vessel not being a ship of war in the service of his Majesty, shall from and after the passing of this Act be found within the United Kingdom in distress for want of food, clothing, or other necessaries, it shall be lawful for the said United Company to supply necessary and reasonable relief to such persons, and to maintain them until they shall be sent on board some ship bound for some place within the limits aforesaid; and also to pay, defray, and advance the money necessary to procure such persons proper and sufficient passage to their homes or places from which they were brought; and all such sums as the said Company shall pay for or on account of such relief or maintenance, or passage home, shall constitute and become a joint and several debt due to the said Company from the commander, owner or owners of such ship, on board whereof such person or persons shall have been brought into the said United Kingdom, and shall be recoverable as so much money paid to and for the use of such owner or owners in any of the Courts of the said United Kingdom, or in the East-Indies, if the owner shall reside there, in which actions or suits for the recovery of debts may be sued or prosecuted; and in all such actions and suits, where the said Company shall recover, they shall be entitled to receive full cost of suit.

Company to supply all necessaries for distressed Lascars, &c., brought to this country, and may recover expense from owners.

With reference to the preceding clause, it may be noted, that by 7 & 8 Vict. cap. 112, sec. 64, if any person being a Malay, Lascar, or native of the territories under the Government of the East-India Company, or any Asiatic or African seaman having been brought to this country on board any ship, should be found in a state of distress, he might be relieved by the Lords of the Admiralty, who were also to

provide him with a passage to or near the port whereat he was shipped, the entire expense becoming a debt to the Crown, recoverable in the courts within the territories of the East-India Company, or in other parts of her Majesty's dominions; but the entire Act was repealed by the 17 & 18 Vict. cap. 120, which Act, however, in the case of a native of Asia, Africa, the South-Sea Islands, or those in the Pacific Ocean, brought to this country as above, and becoming chargeable on the poor-rate, or guilty of vagrancy, subjects the master, owner, or consignee of the ship to a penalty, but provides no prosecutor. Some enactments on the subject of sailors shipped within the territories of the East-India Company and discharged at other places, will be found in Act of Government of India, No. 28 of 1850, secs. 17, 18, and 19.

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5 GEORGII IV. Cap. CVIII.

An Act *for transferring to the East-India Company certain Possessions newly acquired in the East-Indies, and for authorizing the Removal of Convicts from Sumatra.* [24*th June*, 1824.]

Whereas by an Act passed in the fifty-third year of the reign of his late Majesty King George the Third, intituled, "An Act for continuing in the East-India Company, for a "further Term, the Possession of the British Territories in India, together with certain "exclusive Privileges; for establishing further Regulations for the Government of the said "Territories, and the better Administration of Justice within the same; and for regulating "the Trade to and from the Places within the Limits of the said Company's Charter;" it was enacted, that the territorial acquisitions mentioned in an Act passed in the thirty-third year of the reign of his said late Majesty, intituled, "An Act for continuing in the East-India "Company for a further Term the Possession of the British Territories in India, together "with their exclusive Trade, under certain Limitations; for establishing further Regulations "for the Government of the said Territories, and the better Administration of Justice "within the same; for appropriating to certain Uses the Revenues and Profits of the said "Company; and for making Provision for the good Order and Government of the Towns "of Calcutta, Madras, and Bombay;" together with such of the territorial acquisitions obtained since the passing of the said Act upon the continent of Asia, or in any islands situate to the north of the Equator, as were then in the possession of and under the government of the United Company of Merchants of England trading to the East-Indies, with the revenues thereof respectively, should remain and continue in the possession and under the government of the said United Company, subject to such powers and authorities for the superintendence, direction, and control over all acts, operations, and concerns which relate to the civil or

53 G. 3, c. 155.

33 G. 3, c. 52.

military government or revenues of the said territories, and to such further and other powers, authorities, rules, regulatinos, and restrictions as had been made or provided by any Act or Acts of Parliament in that behalf, or were made and provided by the said Act of the fifty-third year of the reign of his said late Majesty, for a further term, to be computed from the tenth day of April, one thousand eight hundred and fourteen, until the same should be determined by virtue of a proviso contained in the said Act: and whereas the island of Singapore in the East-Indies has, since the passing of the said Act, been occupied by the said United Company: and whereas by a treaty concluded between his Majesty and the King of the Netherlands, on the seventeenth day of March, one thousand eight hundred and twenty-four, the King of the Netherlands has agreed that all his establishments on the continent of India, and also the town and fort of Malacca, and its dependencies, shall be ceded to his Majesty; and it is by the said treaty further stipulated, that the factory of Bencoolen, and all the English possessions in Sumatra, shall be ceded to his Majesty the King of the Netherlands: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said island of Singapore, and also all the colonies, possessions, and establishments ceded to his Majesty by the said treaty, shall be transferred to the United Company of Merchants of England trading to the East-Indies, and holden by the said Company in such and the same manner, to all intents, effects, constructions, and purposes whatsoever, and subject to the same authorities, restrictions, and provisions, as the factory of Bencoolen, and the possessions in the island of Sumatra, were vested in and holden by the said Company immediately before the conclusion of the said treaty.

The island of Singapore ceded to his Majesty, and transferred to the East-India Company.

The second section provides for the removal from Sumatra of convicts who had been transported thither, and for changing the place of punishment with regard to persons under sentence of transportation to Sumatra.

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5 GEORGII IV. Cap. CXIII.

An Act *to amend and consolidate the Laws relating to the Abolition of the Slave Trade.* [*24th June*, 1824.]

The 5 & 6 Vict. cap. 101, having extended to Governors of presidencies and places under the East-India Company, and to its civil and military officers, the powers given by this Act to Governors, lieutenant-Governors, &c., of colonies and plantations, and to the officers civil and military of her Majesty, the insertion of certain sections has thereby become necessary.

XXII. And be it further enacted, that all slaves and all persons treated, dealt with, carried, kept, or detained as slaves, which shall be seized or taken as prize of war or liable to forfeiture under this Act, shall and may, for the purposes only of seizure, prosecution, and

Directing the manner in which captured slaves shall be disposed of.

condemnation as prize or as forfeiture, be considered, treated, taken, and adjudged as slaves and property, in the same manner as negro slaves have been heretofore considered, treated, taken, and adjudged when seized as prize of war, or as forfeited for any offence against the laws of trade and navigation respectively; but the same shall be condemned as prize of war, or as forfeited to the sole use of his Majesty, his heirs and successors, for the purpose only of divesting and barring all other property, right, title, or interest whatever, which before existed or might afterwards be set up or claimed in or to such slaves or persons so seized, prosecuted, or condemned; and the same nevertheless shall in no case be liable to be sold, disposed of, treated, or dealt with as slaves by or on the part of his Majesty, his heirs or successors, or by or on the part of any person or persons claiming or to claim from, by, or under his Majesty, his heirs and successors, or under or by force of any such sentence or condemnation: provided always, that it shall be lawful for his Majesty, his heirs and successors, and such officers, civil or military, as shall by any general or special order of the King in Council, be from time to time appointed to receive, protect, and provide for such persons as shall be so condemned, either to enter and enlist the same or any of them into his Majesty's land or sea service as soldiers, seamen, or marines, or to bind the same or any of them, whether of full age or not, as apprentices for any term not exceeding seven years, to such person or persons, in such place or places, and upon such terms and conditions, and subject to such regulations as to his Majesty shall seem meet, and as shall by any general or special order of his Majesty in Council be in that behalf directed and appointed; and any indenture of apprenticeship, duly made and executed by any person or persons to be for that purpose appointed by any such Order in Council for any term not exceeding seven years, shall be of the same force and effect as if the party thereby bound as an apprentice had himself or herself when of full age upon good consideration duly executed the same; and every such person who shall be so enlisted or entered as aforesaid into his Majesty's land or sea forces as a soldier, seaman, or marine, shall be considered, treated, and dealt with in all respects as if he had voluntarily so enlisted or entered himself.

In case persons detained in slavery shall escape, any officer may provide for and protect them.

XXIII. Provided always, and be it further enacted, that in case any person or persons illegally held or detained in slavery shall hereafter by shipwreck or otherwise be cast upon, or shall escape to or arrive at any island or colony, fort, territory, or place under the dominion or in the possession of his Majesty, it shall and may be lawful for his Majesty, his heirs and successors, or for any such officers, civil or military, as aforesaid, to deal with, protect, and provide for any such person or persons, in such and the same manner as is hereinbefore directed with respect to persons condemned as prize of war, or as forfeited under this Act.

Section 26 related to bounties; but the amount of these is varied by 11 Geo. 4 & 1 Wm. 4, cap. 55.

Mode of obtaining such bounty.

XXVII. Provided always, and be it further enacted, that in order to entitle the captors to receive the said bounty money, the numbers of men, women, and children so taken, condemned, and delivered over, shall be proved to the Commissioners of his Majesty's Treasury, by producing a copy duly certified of the sentence and decree of condemnation, and also a certificate under the hand of the said officer or officers, military or civil, so appointed as aforesaid, and to whom the same shall have been delivered, acknowledging that he or they hath or have received the same, to be disposed of according to his Majesty's instructions and regulations as aforesaid.

XXVIII. Provided also, and be it further enacted, that in any cases in which doubts shall arise whether the party or parties claiming such bounty money is or are entitled thereto, the same shall be summarily determined by the Judge of the High Court of Admiralty, subject nevertheless to an appeal to the Lords Commissioners of Appeals in Prize Causes.

Decision of doubtful claims to be determined by the Judge of Admiralty.

XXIX. Provided always, and be it further enacted, that no appeals shall be prosecuted from any decree or sentence of any Court of Admiralty, or Vice-Admiralty, touching any of the matters provided for in this Act, unless the inhibition shall be applied for and decreed within twelve months from the time when such decree or sentence was pronounced, except where such decree or sentence shall be passed in any Vice-Admiralty Court at the Cape of Good Hope or to the eastward thereof; in which cases eighteen months shall be allowed for the prosecution of the said appeal.

Limitation of appeal.

XXXVI. And be it further enacted, that all ships or vessels, whether British or foreign, which shall be condemned in any Court of Admiralty or Vice-Admiralty in any part of his Majesty's dominions, for any offence in relation to the slave trade, or under any of the mixed Commission Courts hereinafter mentioned, or which may in future be established in pursuance of any treaty or convention between this country and any foreign power, shall, from and after such judgment or condemnation respectively, be entitled to a certificate of registry as a British ship, and thereupon have and enjoy all the privileges and advantages of British-built ships and vessels, being first duly registered according to the provisions of an Act made in the twenty-sixth year of the reign of his late Majesty (1), and shall be deemed and taken as such, and shall be entitled to have and enjoy all and every the same rights, liberties, privileges, and advantages in all respects whatsoever with British-built ships and vessels, and shall be subject and liable to all and every the rules and regulations that British-built ships or vessels are subject and liable to; any law, custom, or usage to the contrary thereof in anywise notwithstanding.

Ships condemned for illicit traffic in slaves, may be registered as British ships.

(1) [The latest Act affecting registration of ships is the 17 & 18 Vict. cap. 104.]

XXXVIII. And be it further enacted, that every act which the Governor of any island, colony, plantation, or territory, belonging to or under the dominion of his Majesty, is by this Act directed or authorized to do or perform, may be lawfully done or performed by the person or persons executing, *pro tempore*, the office or function of Governor of any such island, colony, plantation, or territory, by authority from his Majesty, whether under the style and title of Governor, Lieutenant-Governor, President of the Council, or under any other style or title whatsoever.

A governor *de facto* shall be a governor within this Act.

XLIV. And be it further enacted, that the proceeds of all ships and goods seized, prosecuted, and condemned for any offence against this Act, except in such seizures as shall be made at sea by the Commanders or Officers of his Majesty's ships or vessels of war, shall be divided, paid, and applied as follows; that is to say, after deducting the charges of prosecution from the gross amount thereof, one-third of the net proceeds shall be paid into the hands of such person as his Majesty, his heirs and successors, may please to appoint, for the use of his Majesty, his heirs and successors; one-third part thereof to the Governor or Commander-in-chief of the island, colony, plantation, settlement, or territory where the said seizure shall have been made or prosecuted; and the other third part thereof to the person or persons who shall lawfully seize, inform, and prosecute the same to condemnation; and in

Appropriation of ships and goods forfeited.

cases of seizures made at sea by the Commanders or Officers of his Majesty's ships or vessels of war, one moiety of the said net proceeds, after deducting the charges of prosecution as aforesaid, shall be paid into the hands of such person as his Majesty, his heirs and successors, may please to appoint, for the use of his Majesty, his heirs and successors, and the other moiety to the Commanders or Officers of his Majesty's ships or vessels of war who shall have made the seizure, and prosecuted the same to condemnation, subject nevertheless to such distribution in the seizures made by the Commanders or Officers of his Majesty's ships or vessels of war, whether at sea or otherwise, as his Majesty, his heirs and successors, shall think fit to order and direct by any Order or Orders in Council, or by any proclamation or proclamations to be made for that purpose.

Among the omitted sections of this Act, some relate to claims to property in slaves and to legal proceedings consequent thereon. These have been passed over, as by Act of Government of India, No. 5 of 1843, it is declared that no rights arising out of an alleged property in the person and services of another, shall be enforced by any Court or magistrate within the territories of the East-India Company.

This Act (5 Geo. 4, cap. 113) was extended by 6 & 7 Vict. cap. 98.

The following Acts also relate to the subject: 11 & 12 Vict. cap. 128, intituled, "An Act for carrying into effect the Agreement between "her Majesty and the Imaum of Muscat, for the more effectual Sup-"pression of the Slave Trade;" and 12 & 13 Vict. cap. 84, "An Act for "carrying into effect Engagements between her Majesty and certain "Arabian Chiefs in the Persian Gulf, for the more effectual Suppres-"sion of the Slave Trade."

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6 GEORGII IV. Cap. LXXXV.

An Act *for further regulating the Payment of the Salaries and Pensions to the Judges of his Majesty's Courts in India, and the Bishop of Calcutta; for authorizing the Transportation of Offenders from the Island of Saint Helena; and for more effectually providing for the Administration of Justice in Singapore and Malacca, and certain Colonies on the Coast of Coromandel.*

[*5th July*, 1825.]

13 G. 3, c. 63. Whereas by an Act made and passed in the thirteenth year of the reign of his late Majesty King George the Third, intituled, "An Act for establishing certain Regulations

"for the better Management of the Affairs of the East-India Company, as well in India as "in Europe," it was enacted, that it should be lawful for his Majesty, by Charter or Letters Patent under the Great Seal of Great Britain, to erect and establish a Supreme Court of Judicature at Fort William in Bengal, to consist of a Chief Justice and three other Judges, to be named from time to time by his Majesty, his heirs and successors; and that the Court of Directors of the United Company of Merchants of England trading to the East-Indies should direct and cause to be paid certain established salaries to the Chief Justice and each of the Judges of the said Supreme Court of Judicature at Fort William in Bengal; that is to say, to the Chief Justice eight thousand pounds by the year, and to each of the Judges of the said Supreme Court six thousand pounds by the year, in manner therein mentioned: and whereas his said late Majesty King George the Third, by his Letters Patent under the Great Seal of Great Britain, bearing date at Westminster the twenty-sixth day of March, in the fourteenth year of his reign, did erect and establish such Supreme Court of Judicature at Fort William in Bengal accordingly, and did declare that the Chief Justice and Puisne Judges of the said Court should, so long as they should hold their offices respectively, be entitled to have and receive respectively the salaries in the said in part recited Act provided for that purpose; and whereas by virtue of an Act made in the thirty-seventh year of the reign of his said late Majesty King George the Third, intituled, "An Act for the better Administration 37 G. 3, c. 142. "of Justice at Calcutta, Madras, and Bombay, and for preventing British Subjects from "being concerned in Loans to the Native Princes in India," the number of Puisne Judges of the said Supreme Court of Judicature at Fort William in Bengal was reduced to two; and whereas by an Act made in the thirty-ninth and fortieth years of the reign of his said late Majesty King George the Third, intituled, "An Act for establishing further Regulations 39 & 40 G. 3, c. 79. "for the Government of the British Territories in India, and the better Administration of "Justice within the same," it is enacted that it should and might be lawful for his Majesty, his heirs and successors, by Charter or Letters Patent under the Great Seal of Great Britain, to erect and establish a Supreme Court of Judicature at Madras in the East-Indies, to consist of such and the like number of persons, to be named from time to time by his Majesty, his heirs and successors, as the said Supreme Court of Judicature at Fort William in Bengal; and that the Court of Directors of the said United Company should direct and cause to be paid certain and established salaries to the Chief Justice, and each of the Judges of such Supreme Court of Judicature at Madras, as should be by the said new Charter established; that is to say, to the Chief Justice six thousand pounds by the year, and to each of the Judges of the said Supreme Court of Judicature at Madras five thousand pounds by the year; and that such salaries should be paid and payable to each and every of them respectively out of the territorial revenues of the said settlement of Madras, at an exchange of eight shillings for the pagoda of that settlement: and whereas his said late Majesty King George the Third, by his Letters Patent, under the Great Seal of Great Britain, bearing date at Westminster the twenty-sixth day of December, in the forty-first year of his reign, did erect and establish such Supreme Court of Judicature at Madras accordingly, and did grant, ordain, appoint, and declare that the Chief Justice and Puisne Judges of the said Court should, so long as they should hold their offices respectively, be entitled to have and receive respectively the salaries in the said last-mentioned Act provided for that purpose; and whereas by an Act passed in the thirty-seventh year of the reign of his late Majesty King George the Third, intituled, "An Act for the better Administration of Justice at Calcutta, 37 G. 3, c. 142. "Madras, and Bombay, and for preventing British Subjects from being concerned in Loans "to the Native Princes in India," it is among other things enacted, that it should be lawful for his said Majesty, by Charter or Letters Patent under the Great Seal of Great Britain, to

erect and establish a Court of Judicature at Bombay, to consist of the mayor and three of the aldermen resident at the said settlement of Bombay, together with one other person to be named from time to time by his said Majesty, his heirs and successors, to be the President of the said Court, and to be styled "the Recorder of Bombay:" and that during such time as the said settlement of Bombay should remain in the possession of the said United Company, the Court of Directors of the said United Company should direct and cause to be paid to the Recorder of the said Court of Judicature at Bombay, the yearly sum of five thousand pounds, such salary to be paid out of the revenues of the said settlement of Bombay, at an exchange of two shillings and sixpence for the Bombay rupee, and to commence and take place from such time as therein is mentioned: and whereas his said Majesty King George the Third, by his Letters Patent under the Great Seal of Great Britain, bearing date at Westminster the twentieth day of February, in the thirty-eighth year of his reign, did erect and establish such Court of the Recorder of Bombay accordingly, and did grant and declare that the Recorder of the said Court should, so long as he should hold the said office, be entitled to have and receive the salary in the said last-mentioned Act provided for that purpose: and whereas by 4 G. 4, c. 71. an Act passed in the fourth year of the reign of his present Majesty, intituled, "An Act for "defraying the Charge of Retiring Pay, Pensions, and other Expenses of that nature of his "Majesty's Forces serving in India; for establishing the Pensions of the Bishop, "Archdeacons, and Judges; for regulating Ordinations; and for establishing a Court of "Judicature at Bombay;" it is enacted that it should and might be lawful for his said Majesty, his heirs or successors, by Charter or Letters Patent under the Great Seal of Great Britain, to erect and establish a Supreme Court of Judicature at Bombay aforesaid, to consist of such and the like number of persons, to be named from time to time by his said Majesty, his heirs and successors, as the said Supreme Court of Judicature at Fort William in Bengal; and that the Court of Directors of the said United Company should direct and cause to be paid certain and established salaries to the Chief Justice and each of the Judges of such Supreme Court of Judicature at Bombay as should be by the said new Charter established; that is to say, to the Chief Justice fifty-two thousand two hundred Bombay rupees by the year, and to each of the Puisne Judges of the said Supreme Court of Judicature at Bombay forty-three thousand five hundred Bombay rupees by the year; and that such salaries should be paid and payable to each and every of them respectively out of the territorial revenues of the said settlement of Bombay: and whereas his said Majesty King George the Fourth, by his Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the eighth day of December, in the fourth year of his reign, did erect and establish such Supreme Court of Judicature at Bombay accordingly, and did grant and declare that the Chief Justice and Puisne Judges of the said Court should, so long as they should hold their offices respectively, be entitled to have and receive respectively the salaries in the said last-mentioned Act provided for that purpose: and whereas his late Majesty King George the Third did, by his Letters Patent bearing date at Westminster the twenty-fifth day of March, in the forty-seventh year of his reign, for himself, his heirs and successors, give and grant unto the said United Company and their successors, and did erect, ordain, and appoint that there should be within the factory of Prince of Wales' Island, and the places then or any time to be subordinate or annexed thereto, a Court of Record, to be called "The Court of Judicature of "Prince of Wales' Island," and did thereby erect, create, and constitute the said Court of Judicature of Prince of Wales' Island to be a Court of Record; and his said late Majesty did, by his said Letters Patent, further will, ordain, and appoint that the said Court of Judicature should consist of and be holden before the Governor or President and the three

counsellors of the said factory for the time being, as four of the Judges of the said Court, and before one other Judge, to be called "The Recorder of Prince of Wales' Island," and which Recorder of Prince of Wales' Island it is ordained should be a barrister in England or Ireland of not less than five years' standing, to be named and appointed from time to time by his said Majesty, his heirs and successors, by Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland; and his said Majesty did thereby further direct, that the said Recorder of Prince of Wales' Island should hold his office during the pleasure of his said Majesty, his heirs and successors, and did further direct, ordain, and appoint, that it should and might be lawful to and for the said Recorder of Prince of Wales' Island to receive from the said United Company a salary equal to the yearly sum of three thousand pounds money current in that part of the United Kingdom called England, to be calculated at the exchange of five shillings of the said lawful money for every dollar current within the said factory: and whereas by an Act made and passed in the fifty-third year of the reign of his late Majesty King George the Third, intituled, "An Act for continuing in the East-India Company for a further Term the Possession of the British Territories in India, "together with certain exclusive Privileges; for establishing further Regulations for the "Government of the said Territories, and the better Administration of Justice within the "same, and for regulating the Trade to and from the Places within the Limits of the said "Company's Charter," it is amongst other things enacted, that in case it should please his Majesty, by his royal Letters Patent under the Great Seal of the said United Kingdom, to erect, found, and constitute one bishopric for the whole of the said British territories in the East-Indies and parts aforesaid, and from time to time to nominate and appoint a bishop, the Court of Directors of the said Company, during such time as the said territorial acquisitions should remain in the possession of the said Company, should and they were thereby required to direct and cause to be paid a certain established salary from and out of the revenues of the said presidency of Fort William in Bengal, to the said bishop, of five thousand pounds by the year, at an exchange of two shillings for the Bengal current rupee: and whereas his said late Majesty King George the Third did, by his Letters Patent bearing date at Westminster the second day of May, one thousand eight hundred and fourteen, in the fifty-fourth year of his reign, erect, found, and constitute such bishopric accordingly: and whereas it is deemed expedient to make further and different provisions for the payment of the salaries of the Judges of the said Supreme Courts of Judicature at Madras and Bombay respectively, and to make provision for the payment to any of the Puisne Judges of the said Supreme Courts of Judicature at Fort William in Bengal, and at Madras and Bombay respectively, who, during the vacancy of the office of Chief Justice in any of the said Courts, shall execute and discharge the duties of Chief Justice, of the salary of the office of Chief Justice, in lieu of that of Puisne Judge, in respect of the time during which such Puisne Judge shall so execute and discharge the office of Chief Justice; and it is also expedient to make further provision for all such Chief Justices, Bishops, Judges, and Recorders respectively, so as that the acceptance of such offices respectively shall not be the occasion of actual loss to their representatives in the event of the death of any such Chief Justices, Bishops, Judges, or Recorders respectively having taken place or hereafter taking place after their arrival in India; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the Court of Directors of the said United Company shall and they are hereby required to direct and cause to be paid to the Chief Justices and each of the Puisne Judges of the said Supreme Court of Judicature at Madras, in lieu and stead of the salaries paid or payable to them respectively under or by virtue of the said recited

53 G. 3, c. 155.

Salaries to Judges at Madras.

Acts of the thirty-ninth and fortieth years of his late Majesty's reign, in like manner and subject to the same regulations and provisions as the said salaries have been heretofore or are now paid and payable, and not otherwise, the salaries hereinafter mentioned; that is to say, to the Chief Justice of the said Supreme Court of Judicature at Madras, the sum of fifty-eight thousand Madras rupees by the year, to be computed from the first day of January, one thousand eight hundred and eighteen, to the time of the passing of this Act, and from thenceforth a salary after the rate of sixty thousand Madras rupees by the year; and to each of the Puisne Judges of the said last-mentioned Court a salary after the rate of forty-eight thousand Madras rupees by the year, to be computed from the first day of January, one thousand eight hundred and eighteen, to the time of the passing of this Act, and from thenceforth a salary after the rate of fifty thousand Madras rupees by the year; and that such salaries shall be paid and payable to each and every of them respectively, out of the territorial revenues of the said settlement of Madras.

Salaries to Judges at Bombay.

II. And be it further enacted, that the Court of Directors of the said United Company shall and they are hereby required to direct and cause to be paid to the Chief Justice and each of the Puisne Judges of the said Supreme Court of Judicature at Bombay, in lieu and instead of the salaries paid or payable to them respectively under or by virtue of the said recited Act of the fourth year of his present Majesty, in like manner and subject to the same regulations and provisions as the said salaries have been heretofore or are now paid or payable, and not otherwise, the salaries hereinafter mentioned; that is to say, to the Chief Justice of the said Supreme Court of Judicature at Bombay a salary after the rate of fifty-eight thousand Bombay rupees by the year, to be computed from the eighth day of May, one thousand eight hundred and twenty-four, to the time of the passing of this Act, and from thenceforth a salary after the rate of sixty thousand Bombay rupees by the year; and to each of the Puisne Judges of the said last-mentioned Court the sum of forty-eight thousand Bombay rupees by the year, to be computed from the said eighth day of May, one thousand eight hundred and twenty-four, to the time of the passing of this Act, and from thenceforth a salary after the rate of fifty thousand Bombay rupees by the year; and that such salaries shall be paid and payable to each and every of them respectively, out of the territorial revenues of the said settlement of Bombay.

Section 3 directs certain payments to be made to all persons who had held the office of Recorder of Bombay between the 1st of January, 1818, and the 8th May, 1824, in addition to the salaries previously paid.

Judge executing the office of Chief Justice to be entitled to his salary.

IV. And be it further enacted, that when and as often as it shall happen that in consequence of the vacancy of the office of Chief Justice in any of the said Supreme Courts of Judicature at Fort William in Bengal, or at Madras or Bombay respectively, one of the Puisne Judges of the said Courts respectively shall preside for and exercise the office of such Chief Justice, such Puisne Judge so acting as Chief Justice during a vacancy, and until the arrival of the person appointed to succeed to the office of Chief Justice, shall be entitled to receive, in lieu of his proportion of salary as a Puisne Judge of such Court, such a proportion of salary (and no more) as would have become due to such Chief Justice during the period while the vacancy shall be supplied by such Puisne Judge as aforesaid, and that the payment of such rate of salary to a Puisne Judge so acting or having acted as such Chief Justice in

any of the said Supreme Courts respectively, shall commence and take effect from the twenty-second day of January, one thousand eight hundred and twenty-two.

V. And be it further enacted, that in all cases from and since the said twenty-second day of January, one thousand eight hundred and twenty-two, in which it has already happened, or when and as often as it shall hereafter happen, that any Chief Justice or Puisne Judge of any of the said Supreme Courts of Judicature at Fort William in Bengal, Madras, or Bombay, or the Recorder of Prince of Wales' Island, or any Bishop of Calcutta, shall have departed, or shall hereafter depart this life, either during his voyage to India or within six calendar months next after the day when he shall have arrived in India for the purpose of taking upon him the office of such Chief Justice or Puisne Judge, Recorder, or Bishop, the Court of Directors of the said United Company shall and they are hereby required to pay, or direct and cause to be paid, out of the territorial revenues from which the salary of such Chief Justice or Puisne Judge, Recorder, or Bishop so dying shall be payable, to the legal personal representatives of such Chief Justice or Puisne Judge, Recorder, or Bishop so dying as aforesaid, such sum or sums of money as shall, together with the sum or sums paid to or drawn by such Chief Justice or Puisne Judge, Recorder, or Bishop, in respect of his salary, make up the full amount of one year's salary of the office to which he shall have been appointed; and that from and since the first day of January, one thousand eight hundred and twenty-three, when and as often as it shall have happened, or shall hereafter happen, that any such Chief Justice or Puisne Judge, Recorder, or Bishop hath departed or shall depart this life while in possession of such office, and after the expiration of six calendar months from the time of his arrival in India for the purpose of taking upon him the office of Chief Justice, Puisne Judge, Recorder, or Bishop, then and in all and every of such cases the said Court of Directors shall and they are hereby required to pay, or direct and cause to be paid, out of the territorial revenues from which the salary of such Chief Justice, Puisne Judge, Recorder, or Bishop so dying shall be payable, to the legal personal representatives of such Chief Justice or Puisne Judge, Recorder, or Bishop respectively, so dying as aforesaid, over and above what may have been due to such Chief Justice or Puisne Judge, Recorder, or Bishop respectively at the time of his death, a sum equal to the amount of six calendar months' salary of the office of such Chief Justice or Puisne Judge, Recorder, or Bishop respectively.

Provision in case any Judge or Bishop, &c., shall die either during his voyage, or within six months after his arrival, &c.

Section 6 repeals the provisions of 4 Geo. 4, cap. 71, as to the period of residence necessary to entitle Chief Justices, Judges, and Recorders to retiring allowances.

VII. And be it further enacted, that if any of the Chief Justices or Puisne Judges of the said Supreme Courts of Judicature at Fort William, Madras, or Bombay respectively, or the Recorder of the Court of Judicature of Prince of Wales' Island, shall resign his office in consequence of age, infirmity, or other cause, to be approved by his Majesty, his heirs or successors, it shall and may be lawful for his Majesty, his heirs or successors, by warrants under the sign manual, to direct and authorize an allowance to be made out of the revenues of the British territories in India, to such Chief Justice, Puisne Judges, or Recorder so resigning, subject to the limitations and restrictions hereinafter provided; that is to say, provided always, that it shall not be lawful for his Majesty to direct any such allowance to be made to any person who shall not have resided in India for five years, either as Chief Justice or as a Puisne Judge (or partly as one and partly as the other) of some or one of the said Supreme Courts.

Pensions to Chief Justices and Judges on resignation.

Five years' residence necessary.

Limitation of allowance to Chief Justice of Fort William.

VIII. Provided also, and be it enacted, that it shall not be lawful to direct any larger allowance to be made to any Chief Justice of the said Supreme Court of Judicature at Fort William, than the sum of one thousand pounds sterling per annum, unless he shall have resided in India as such Chief Justice or Puisne Judge, or partly as one and partly as the other, for seven years; nor if he shall have so resided for seven years, shall it be lawful to direct any larger allowance to be made to him than the sum of one thousand three hundred pounds sterling per annum, unless he shall have resided in India as such Chief Justice or Puisne Judge, or partly as one and partly as the other, for ten years; nor if he shall have so resided for ten years, shall it be lawful to direct any larger allowance to be made to him than the sum of two thousand pounds sterling per annum.

Limitation of allowance to Chief Justices of Madras and Bombay.

IX. Provided also, and be it further enacted, that it shall not be lawful to direct any larger allowance to be made to either of the Chief Justices of the said Supreme Courts of Judicature at Madras or Bombay, than the sum of eight hundred pounds sterling per annum, unless he shall have resided in India as such Chief Justice or Puisne Judge, or partly as one and partly as the other, for seven years; nor if he shall have so resided for seven years, shall it be lawful to direct any larger allowance to be made to him than the sum of one thousand pounds sterling per annum, unless he shall have resided in India as such Chief Justice or Puisne Judge, or partly as one and partly as the other, for ten years; nor if he shall have so resided for ten years, shall it be lawful to direct any larger allowance to be made to him than the sum of one thousand six hundred pounds sterling per annum.

Limitation of allowance to Puisne Judges of Fort William.

X. Provided also, and be it further enacted, that it shall not be lawful to direct any larger allowance to be made to either o the Puisne Judges of the said Supreme Court of Judicature at Fort William, than the sum of seven hundred and fifty pounds sterling per annum, unless he shall have resided in India as such Puisne Judge for seven years; nor if he shall have so resided for seven years, shall it be lawful to direct any larger allowance to be made to him than the sum of one thousand pounds sterling per annum, unless he shall have resided in India as such Puisne Judge for ten years; nor if he shall have so resided for ten years, shall it be lawful to direct any larger allowance to be made to him than the sum of one thousand five hundred pounds sterling per annum.

Limitation of allowance to Puisne Judges of Madras and Bombay.

XI. And be it further enacted, that it shall not be lawful to direct any larger allowance to be made to any one of the Puisne Judges of either of the said Supreme Courts of Judicature at Madras or Bombay respectively, than the sum of six hundred pounds sterling per annum, unless he shall have resided in India as such Puisne Judge for seven years; nor if he shall have so resided for seven years, shall it be lawful to direct any larger allowance to be made to him than the sum of eight hundred pounds sterling per annum, unless he shall have resided in India as such Puisne Judge for ten years; nor if he shall have so resided for ten years, shall it be lawful to direct any larger allowance to be made to him than the sum of one thousand two hundred pounds sterling per annum.

Chief Justice not to have more than Puisne Judge, unless he has been Chief Justice for five years.

XII. Provided also, and be it further enacted, that it shall not be lawful for his Majesty to direct any larger allowance to be made to any Chief Justice of any of the said Supreme Courts so resigning, than the amount by this Act limited for the allowance to be made to the Puisne Judges of the Court to which such Chief Justice shall belong, unless he shall have held the office of a Chief Justice of one of the said Supreme Courts during five years of his residence in India.

XIII. And be it further enacted, that it shall not be lawful to direct any larger allowance to be made to the Recorder of the said Court of Judicature of Prince of Wales' Island, than the sum of five hundred pounds sterling per annum, unless he shall have resided in India as such Recorder for seven years; nor if he shall have so resided for seven years, shall it be lawful to direct any larger allowance to be made to him than the sum of six hundred and fifty pounds sterling per annum, unless he shall have resided in India as such Recorder for ten years; nor if he shall have so resided for ten years, shall it be lawful to direct any larger allowance to be made to him than the sum of one thousand pounds sterling per annum.

Limitation of allowance to Recorder of Prince of Wales' Island.

XIV. Provided also, and be it further enacted, that if any person having for any time resided in the East-Indies as Recorder of the said Court of Judicature of Prince of Wales' Island shall have been or shall be appointed to the office of Chief Justice or Puisne Judge of either of the said Supreme Courts of Fort William, Madras, or Bombay, the period of residence of such person in the East-Indies as such Recorder of the said Court of Judicature of Prince of Wales' Island shall be accounted and taken as and for a residence in India as a Puisne Judge of such Courts respectively, in the proportion of three years' residence as such Recorder to two years' residence as such Puisne Judge; and that if such person shall have resided in the East-Indies partly as such Recorder, and partly as such Chief Justice or Puisne Judge, it shall and may be lawful for his Majesty, his heirs and successors, in manner hereinbefore mentioned, to direct such allowance to be made to such person as might lawfully be directed in case such person had resided the whole of such time as such Recorder, and had resigned the office of such Recorder, although such person may not have resided in India for such length of time as to entitle him, under the provisions herein contained, to the allowance of a Chief Justice or Puisne Judge.

Time of Recorder appointed Judge to be reckoned at a certain rate.

XV. And whereas, under and by virtue of an Act made and passed in the fifty-third year of the reign of his late Majesty King George the Third, and of another Act made and passed in the fourth year of the reign of his present Majesty, provision is made for granting a pension to the Bishop of Calcutta, under the limitations therein contained, and it is expedient to make further provision in respect thereof: be it further enacted, that it shall and may be lawful for his Majesty, his heirs and successors, in manner in the said Act of the fifty-third year of the reign of his late Majesty mentioned, to grant to any such Bishop who shall have exercised within the limits of the Charter of the said United Company the office of Bishop of Calcutta for five years a pension not exceeding one-half of the sum which his Majesty, by the said Act of the fifty-third year of the reign of his late Majesty is empowered to grant to any such Bishop; and also to grant to any such Bishop who shall have exercised within the limits aforesaid the said office of Bishop of Calcutta for seven years, a pension not exceeding two-thirds of the sum which his Majesty, by the said Act of the fifty-third year of his late Majesty's reign, is empowered to grant to any such Bishop.(1)

53 G. 3, c. 155.

4 G. 4, c. 71, s. 2 and 3.

Pension to Bishop on resignation.

(1) [The amount named in 53 Geo. 3, cap. 155, is £1,500 per annum: the reduced pensions sanctioned by this Act are consequently £750 and £1,000 per annum. These enactments apply to the Bishop of Calcutta only. The retiring pensions of the Bishops of Madras and Bombay are regulated by 3 & 4 Wm. 4, cap. 85, sec. 96. For furlough allowance, see 5 & 6 Vict. cap. 119.]

Resignation under ten years' service, for other cause than illness, not to entitle to pension.

XVI. Provided also, and be it further enacted, that it shall not be lawful for his Majesty, his heirs or successors, to direct any such allowance to be made to any such Chief Justice, Puisne Judge, Recorder, or Bishop respectively, who before he shall have held and exercised such office, or some or one of such offices, for the space of ten years in the whole, shall resign his said office for any other cause than in consequence of illness or infirmity, to be proved to the satisfaction of his Majesty, his heirs or successors.

Sections 17 and 18 contain penal enactments relating to St. Helena, which is not now under the government of the Company.

Administration of justice in Singapore and Malacca.

42 G. 3, c. 29.

39 & 40 G. 3, c. 79.

XIX. And whereas, under and by virtue and according to the effect of an Act passed in the forty-second year of the reign of his late Majesty King George the Third, intituled, "An "Act to authorize the East-India Company to make their Settlement at Fort Marlborough "in the East-Indies a Factory subordinate to the Presidency of Fort William in Bengal, "and to transfer the Servants, who on the Reduction of that Establishment shall be super-"numerary, to the Presidency of Fort Saint George;" and an Act passed in the fifth year of the reign of his present Majesty King George the Fourth, intituled, "An Act "for transferring to the East-India Company certain Possessions newly acquired in the "East-Indies, and the Removal of Convicts from Sumatra, the Island of Singapore in the "East-Indies, and the Town and Fort of Malacca and its Dependencies," and all the colonies, possessions, and establishments ceded by his Majesty the King of the Netherlands to his said present Majesty King George the Fourth, by a treaty concluded between their said Majesties on the seventeenth day of March, one thousand eight hundred and twenty-four, have become and now are factories subordinate to the Presidency of Fort William in Bengal, and thereby, by virtue of an Act passed in the thirty-ninth and fortieth years of the reign of his said late Majesty King George the Third, intituled, "An Act for establishing further "Regulations for the Government of the British Territories in India, and the better "Administration of Justice within the same," are subject to the jurisdiction of the Supreme Court of Judicature of Fort William aforesaid; and it may be expedient that some other provision should be made for the administration of justice within the said island and other places aforesaid; be it therefore enacted, that it shall and may be lawful to and for his Majesty, his heirs and successors, by Letters Patent under the Great Seal of Great Britain, or in any other lawful manner, to make such provision for the administration of justice in civil, criminal, ecclesiastical, and Admiralty matters arisen and to arise within the said island of Singapore, and the said town and fort of Malacca and its dependencies, as by his and their royal prerogative he or they might have done if the said last-mentioned Act had never been made or passed; and in case any such provision shall be made by his Majesty, his heirs and successors, then the said island, and the said town and fort and its dependencies, from the time or several times when such provision shall take effect, or from any other time or times to be appointed by his Majesty, his heirs or successors, and all the inhabitants of the said island, and the said town, fort, and its dependencies, and other persons being thereon, shall cease to be subject to, and shall be wholly exempt from the jurisdiction of the said Supreme Court; the said last-mentioned Act, or any other law or statute, to the contrary thereof in anywise notwithstanding.

Colonies ceded to his Majesty to be under jurisdiction of Fort St. George.

XX. And be it further enacted, that from and after the first day of January next, the colonies, possessions, and establishments so ceded to his Majesty, and which are situate on the coast of Coromandel, or in the northern Circars in the East-Indies, and all the inhabitants of the said colonies, possessions, and establishments, and all other persons being therein, shall

cease to be subject to, and shall be wholly exempt from the jurisdiction of the said Supreme Court of Judicature in Bengal; and the said colonies, possessions, and establishments, and all the inhabitants thereof, and all other persons being therein, shall be subject and amenable to the jurisdiction and authority of the Supreme Court of Judicature at Fort Saint George in the East-Indies, in like manner as any other place being or deemed to be a factory subordinate to the Government of Fort Saint George, and the inhabitants thereof, whether Europeans or natives, as the case may be, is or are or ought to be liable and amenable thereto; the said Act of the thirty-ninth and fortieth years of his late Majesty's reign, or any other law or statute, to the contrary thereof in anywise notwithstanding.

Singapore and Malacca annexed to Prince of Wales' Island.

XXI. And be it further enacted, that it shall and may be lawful for the Court of Directors for the time being of the said United Company to declare and appoint that the said island of Singapore and the said town and port of Malacca and its dependencies, and the colonies, possessions, and establishments so ceded as aforesaid, or any of them, shall cease to be factories or a factory subordinate to the said presidency of Fort William in Bengal, and that they shall be annexed to, and be considered as and be part of the settlement of Prince of Wales' Island (1), or as factories or a factory subordinate to the said presidency of Fort Saint George, or to any presidency or government of the said United Company, or that they or any of them shall be independent settlements or an independent settlement, subject to such government as the said United Company, under and by virtue of the Charters granted to them or otherwise, may lawfully appoint, and from time to time, as occasion may require, to revoke and alter such appointments or appointment, and to place the said island, town, fort, and its dependencies, and the said colonies, possessions, and establishments, under such presidency or government, or to be independent, as to them shall seem fit and expedient, subject nevertheless to the superintendence, direction, and control of the Commissioners for the Affairs of India, in like manner as any acts or orders of the said Court of Directors are now by law subject; and the said island, town, fort, and its dependencies, colonies, possessions, and establishments, so ceded as aforesaid, and the revenues thereof, and the civil servants connected therewith respectively, shall, from and after the time to be by the said Court of Directors limited and appointed, be to all intents and purposes annexed to the presidency or government to be appointed in manner aforesaid; or such island and places aforesaid shall be an independent settlement or independent settlements, and the revenues and civil servants thereof shall be annexed thereto, according to the true intent and meaning of such appointment as aforesaid: any law or statute to the contrary thereof in anywise notwithstanding.

(1) [The Government of Prince of Wales' Island and the other Eastern settlements is now subject directly to the Government of India.]

6 GEORGII IV. Cap. XC.

An Act *to amend an Act of the Fifty-seventh Year of his late Majesty, for enabling his Majesty to recompense the Services of Persons holding or who have held certain high and efficient Civil Offices.*

[*5th July*, 1825.]

57 G. 3, c. 65.

Whereas by an Act passed in the fifty-seventh year of the reign of his late Majesty, intituled, "An Act to enable his Majesty to recompense the Services of Persons holding or "who have held certain high and efficient Civil Offices," it was enacted, that it should be lawful for his Majesty, his heirs and successors, to grant pensions, under the limitations and regulations therein prescribed, to persons holding or having holden certain high and effective civil offices; which offices were in the said Act specified in four several classes: and whereas it is expedient that the offices hereinafter mentioned should be included in the provisions of the said Act; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the office of President of the Board of Commissioners for the Affairs of India, and the office of President of the Committee of Council appointed for the consideration of matters relating to trade and foreign plantations, shall be deemed to be comprised in the first class of offices specified in the said recited Act; and that the office of Vice-President of the Committee of Council appointed for the consideration of matters relating to trade and foreign plantations, shall be deemed to be comprised in the third class of offices specified in the said recited Act; and that the office of Chief Secretary to the Board of Commissioners for the Affairs of India shall be deemed to be comprised in the fourth class of offices specified in the said recited Act; and that it shall be lawful for his Majesty, his heirs and successors, to grant to persons who shall have served the Crown in the offices hereinbefore enumerated respectively, such pensions respectively as might have been granted to them respectively under the said recited Act, if the several offices hereinbefore enumerated had been specifically named in the said recited Act, and had been thereby respectively placed in the classes hereby assigned to them; and that all the limitations, conditions, regulations, and provisions contained in the said recited Act, shall be construed so as to give full force and effect to the intents and purposes as well of this Act as of the said recited Act.(1)

President of Board of Control, President of Board of Trade, to be deemed in 1st class;

Vice - President of Board of Trade, in 3rd class; and Chief Secretary of Board of Control in 4th class;—of offices specified in Civil Pensions Act.

(1) [*Vide* 4 & 5 Wm. 4, cap. 24, secs. 1, 4, 5, 6, and 7.]

6 GEORGII IV. Cap. CXXXIII.

An Act *to amend and explain an Act of the Fifty-fifth Year of his late Majesty, for better regulating the Practice of Apothecaries throughout England and Wales.* [*6th July*, 1825.]

Surgeons, &c., in the navy, and surgeons and apothecaries, &c., in the army, may practise without examination.

IV. And whereas many persons who have heretofore held, and now do or who hereafter shall hold, commissions in his Majesty's service as surgeons, either in his Majesty's navy, or as surgeons or apothecaries in his Majesty's army, cannot commence practice as apothecaries in any part of England and Wales, without being examined by the Court of Examiners appointed in pursuance of the aforesaid recited Act of the fifty-fifth year of the reign of his late Majesty King George the Third, or being liable to the penalties thereby imposed on persons who, not having been in practice as apothecaries on the first day of August, one thousand eight hundred and fifteen, shall commence to act or practise as apothecaries without having been examined, and received certificates of their qualification, pursuant to the said recited Act: and whereas it is expedient to provide a remedy in that behalf: be it therefore enacted, that every person who heretofore has held, or who now holds, or hereafter shall hold a commission or warrant as surgeon or assistant surgeon in his Majesty's navy, or as surgeon or assistant surgeon or apothecary in his Majesty's army, or as surgeon or assistant surgeon in the service of the Honourable the East-India Company, shall be entitled to practise as an apothecary in any part of England or Wales, without having undergone any such examination, or received any such certificate, as by the said recited Act of the fifty-fifth year of the reign of his late Majesty King George the Third is directed, and without being liable to any penalty or disability whatsoever imposed by the said recited Act, on persons who, not having been in practice as apothecaries on the said first day of August, one thousand eight hundred and fifteen, without having been examined, and received certificates in the manner directed by the said recited Act, commenced practice as apothecaries in any part of England or Wales; and no such person shall be obliged, in order to recover in a Court of law any charges claimed by him as an apothecary, to prove that he was in practice as an apothecary on the said first day of August, one thousand eight hundred and fifteen, otherwise than as holding a commission or warrant as surgeon or assistant-surgeon in his Majesty's navy, or as surgeon or assistant-surgeon or apothecary in his Majesty's army, or as surgeon or assistant-surgeon in the service of the Honourable the East-India Company; any thing in the said recited Act contained to the contrary thereof in anywise notwithstanding.

7 GEORGII IV. Cap. XXXVII.

An Act *to regulate the Appointment of Juries in the East-Indies.* [*5th May*, 1826.]

13 G. 3, c. 63.

Whereas by an Act passed in the thirteenth year of the reign of his late Majesty King George the Third, intituled, "An Act for establishing certain Regulations for the better "Management of the Affairs of the East-India Company, as well in India as in Europe," it is among other things enacted, that all offences and misdemeanors which shall be laid, tried, and inquired of in the Supreme Court of Judicature at Fort William in Bengal, shall be tried by a jury of British subjects resident in the town of Calcutta, and not otherwise; and whereas it is expedient that the right and duty of serving on juries within the limits of the local jurisdiction of the several Supreme Courts at Calcutta, Madras, and Bombay, should be further extended: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all good and sufficient persons resident within the limits of the several towns of Calcutta, Madras, and Bombay, and not being the subjects of any foreign state, shall, according to such rules, and subject to such qualifications as shall be fixed in manner hereinafter mentioned, be deemed capable of serving as jurors on grand or petit juries, and upon all other inquests, and shall be liable to be summoned accordingly; any thing in the said Act, or in any other Act, Charter, or usage, to the contrary notwithstanding.

All persons resident in Calcutta, Madras, and Bombay, qualified as after mentioned, to be deemed capable of serving on juries.

Courts may make rules with respect to qualification, &c.,

II. And be it further enacted, that the respective Courts of Judicature at Calcutta, Madras, and Bombay, shall have power from time to time to make and establish such rules with respect to the qualification, appointment, form of summoning, challenging, and service of such jurors, and such other regulations relating thereto, as they may respectively deem expedient and proper: provided always, that copies of all such rules and regulations as shall be so made and established by such Courts of Judicature, shall be certified under the hands and seals of the Judges of such Courts to the President of the Board of Commissioners for the Affairs of India, to be laid before his Majesty for his royal approbation, correction, or refusal; and such rules and regulations shall be observed until the same shall be repealed or varied, and in the last case with such variation as shall be made therein.

which shall be laid before his Majesty.

The third section, which provided that Grand Juries in all cases, and all Juries for the trial of Christians, should consist wholly of persons professing that religion, was repealed by 2 & 3 Wm. 4, cap. 117.

7 GEORGII IV. Cap. LII.

An Act *for defraying the Expense of any additional Naval Force to be employed in the East-Indies.* [26*th May*, 1826.]

Whereas by an Act passed in the fifty-third year of the reign of his late Majesty King George the Third, intituled, " An Act for continuing in the East-India Company for a " further Term the Possession of the British Territories in India, together with certain exclu- " sive Privileges; for establishing further Regulations for the Government of the said Terri- " tories, and the better Administration of Justice within the same; and for regulating the " Trade to and from the Places within the Limits of the said Company's Charter," provision is made for defraying all the charges and expenses of raising and maintaining the forces, as well European as native, military, artillery, and marine, on the establishments in the East-Indies and parts within the limits aforesaid, and of maintaining the forts and garrisons there, and providing warlike and naval stores: and whereas it is expedient that similar provision should be made for payment by the said Company of the expenses of any naval force which now is or at any time hereafter may be sent to the East-Indies or parts aforesaid, for the purpose of being employed in hostilities with any of the native powers: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all the charges and expenses of sending out and employing in the East-Indies and parts aforesaid, the naval force which hath been lately sent out by his Majesty, upon the representation of the Court of Directors of the said United Company, with the approbation of the Commissioners for the Affairs of India, and also all the charges and expenses of any naval force which may hereafter be sent out by his Majesty, his heirs or successors, upon the representation of the Court of Directors of the said United Company, and with the approbation of the said Commissioners, for the purpose of being employed in hostilities against any of the native powers in the East-Indies or parts aforesaid, shall be borne by the said United Company as part of their political charges, and the amount thereof shall from time to time, as the same shall be ascertained, be paid into the receipt of the Exchequer, in such manner as the Commissioners of his Majesty's Treasury of the United Kingdom of Great Britain and Ireland shall direct.

53 G. 3, c. 155.

Charges and expenses of naval forces sent out on representation of Directors of East-India Company to be defrayed by the Company.

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7 GEORGII IV. Cap. LVI.

An Act *to suspend the Provisions of an Act of his late Majesty respecting the Appointment of Writers in the Service of the East-India Company, and to authorize the Payment of the Allowances of the Civil and Military Officers of the said Company dying while absent from India.* [26*th May*, 1826.]

The first two sections of this Act related to the appointment of writers not having passed through the College, and to making provi-

sion for their examination. The operation of the plan was restricted to three years from the passing of the Act. It was continued by 10 Geo. 4, cap. 16, until the 10th April, 1834, when it was suffered to expire.

Representatives of officers dying during a temporary absence from their stations, may receive salaries to which such officers would have been entitled.
33 G. 3, c. 52.

III. And whereas by an Act passed in the thirty-third year of the reign of his late Majesty King George the Third, intituled, "An Act for continuing in the East-India Company for a further Term the Possession of the British Territories in India, together with "their exclusive Trade, under certain Limitations; for establishing further Regulations for "the Government of the said Territories, and the better Administration of Justice within the "same; for appropriating to certain Uses the Revenues and Profits of the said Company; "and for making Provision for the good Order and Government of the Towns of Calcutta, "Madras, and Bombay," it was enacted, that if any Governor-General, or any other officer whatever in the service of the said Company, should quit or leave the presidency or settlement to which he should belong, other than in the known actual service of the said Company, the salary and allowances appertaining to his office should not be paid or payable during his absence to any agent or other person for his use; and in the event of his not returning back to his station at such presidency or settlement, or of his coming to Europe, his salary and allowances should be deemed to have ceased from the day of his quitting such presidency or settlement; any law or usage to the contrary notwithstanding: and whereas it hath happened that officers, as well civil as military, in the service of the said Company, who have quitted the presidencies or settlements to which they respectively belonged in consequence of ill-health, with the intention of returning to their stations at such presidencies or settlements without proceeding to Europe, have died during such temporary absence within the limits of the said Company's Charter or at the Cape of Good Hope: and whereas it is just and reasonable that the representatives of such officers should be entitled to the salaries and allowances of such officers from the time of quitting their stations; be it therefore enacted, that it shall and may be lawful to and for the said Company to cause payment to be made to the representatives of officers in their service, civil or military, who having quitted or left their stations, and not having proceeded or intended to proceed to Europe, but intending to return to their stations, have died, or may hereafter happen to die, during their temporary absence within the limits of the said Company's Charter, or at the Cape of Good Hope, of such salaries and allowances, or such portion of salaries or allowances, as the officers so dying would have been entitled to if they had returned to their stations.

Former payments confirmed.

IV. And whereas certain payments have heretofore been made under the circumstances aforesaid, be it further enacted, that all such payments so made shall be deemed and taken to have been legally made; any thing in the said recited Act of Parliament to the contrary notwithstanding: provided always, that nothing herein contained shall extend to authorize the said Company to make any such payment to the representatives of any such officer who shall have quitted or left his station prior to the second day of May, one thousand eight hundred and twenty-one.

For the conditions affecting the payment of salaries and allowances to officers below a certain rank while absent from their stations, see 7 Wm. 4 & 1 Vict. cap. 47. It must here also be observed, that by 16 & 17 Vict. cap. 95, sec. 32, power is given to the Court of Directors

to frame such Regulations as may be deemed expedient, in relation to absence on sick leave or furlough of officers and persons in the service of the Company in India, or receiving salaries from the Company there, under which the absentees might proceed to Europe or elsewhere beyond the limits of the Charter.

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9 GEORGII IV. Cap. XXXIII.

An Act *to declare and settle the Law respecting the Liability of the Real Estates of British Subjects and others, situate within the Jurisdiction of his Majesty's Supreme Courts in India, as Assets in the Hands of Executors and Administrators, to the Payment of the Debts of their deceased Owners.* [27*th June*, 1828.]

Whereas some doubts have arisen whether, and to what extent, the real estates of British subjects and others (not being Mahomedans or Gentoos), situate within or being under the jurisdiction of his Majesty's Supreme Courts of Judicature in India, are liable, as assets in the hands of executors and administrators, to the payment of the debts of their deceased owners: and whereas it is expedient that such doubts should be removed; be it therefore and it is hereby declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that whenever any British subject shall die seised of or entitled to any real estate in houses, lands, or hereditaments, situate within or being under the general civil jurisdiction of his Majesty's Supreme Courts of Judicature at Fort William in Bengal, Fort Saint George, and Bombay respectively, or whenever any person (not being a Mahomedan or Gentoo) shall die seised of or entitled to any such real estate, situate within the local limits of the civil jurisdiction of the same Courts respectively, such real estate of such British subject or other person as aforesaid (not being a Mahomedan or Gentoo) is and shall be deemed assets, in the hands of his or her executor or administrator, for the payment of his or her debts, whether by specialty or simple contract, in the ordinary course of administration.

Whenever any British subjects, or persons not being Mahomedans or Gentoos, shall die, entitled to any real estate in India, such estate shall be deemed assets.

II. And it is further declared and enacted, that it is and shall be lawful for such executor or administrator of such British subject or other person as aforesaid (not being a Mahomedan or Gentoo), to sell and dispose of such real estate for the payment of such debts as aforesaid, and to convey and assure the same estate to a purchaser, in as full and effectual a manner in law as the testator or intestate of such executor or administrator could or might have done in his lifetime.

Executors may sell such real estates for the payment of debts.

III. And it is further declared and enacted, that in any suit or action to be commenced and prosecuted in any of the said Courts respectively against such executor or administrator as aforesaid, for the recovery of any debt or demand due and owing by such testator or intestate in his lifetime and at the time of his death, such executor or administrator shall and

In any action for debt, the executor may be charged with the full amount of such real estate.

may be charged with the full amount in value of such real estate as aforesaid, not exceeding the actual net proceeds of such estate when sold by the sheriff, as assets in the hands of such executor or administrator to be administered.

In suits against executors, Courta may order writs of sequestration.

IV. And it is further declared and enacted, that in any such suit or action against such executor or administrator as aforesaid, it is and shall be lawful for the said Courts respectively to award and issue such writs of sequestration and execution against such houses, lands, and real effects of such testator or intestate, in the hands of such executor or administrator as aforesaid, and to cause the same to be seized, sequestered, and sold, or possession thereof delivered under such writs respectively, in the same manner as such Courts could and might have done in the lifetime of such testator or intestate as aforesaid.

Conveyances and assurances of such estates shall be deemed good.

V. And it is further declared and enacted, that all conveyances and assurances of such real estates of such British subjects and other persons so dying seised or entitled as aforesaid (not being Mahomedans or Gentoos), situate within or being under the general or local jurisdiction of such Courts respectively as aforesaid, heretofore made and executed by executors and administrators of such deceased British subjects and other persons as aforesaid, are hereby confirmed, and shall be deemed, held, and taken to be of the same force, validity, and effect in law, as if the same had been made and executed by such deceased persons in their lifetime.

This Act not to alter the legal quality or tenure of any estates.

VI. Provided nevertheless, and it is hereby declared and enacted, that neither this Act, nor any thing herein contained, shall be construed to operate as or have the effect of changing or altering the legal quality, nature, or tenure of any lands, houses, estates, rights, interests, or any other subject of property whatsoever, or of making the same or any of them to be of the nature of real property, if by law, before the passing of this Act, the same or any of them were personal property; but that the law in that respect shall be and continue the same as if this Act had not passed.

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9 GEORGII IV. Cap. L.

An Act *for regulating the Appropriation of certain unclaimed Shares of Prize-Money acquired by Soldiers or Seamen in the Service of the East-India Company.* [15*th July*, 1828.]

1 & 2 G. 4, c. 61.

Whereas by an Act made and passed in the first and second years of the reign of his present Majesty, intituled, "An Act to regulate the Appropriation of unclaimed Shares of "Prize-money belonging to Soldiers or Seamen in the Service of the East-India Company," provisions are made for regulating the appropriation of all such unclaimed prize-money belonging to soldiers or seamen in the service of the United Company of Merchants of England trading to the East-Indies, as had accrued at the time of the passing of the said Act, and as was then remaining in the hands of any prize agent or agents, or any other person or persons whomsoever: and whereas it is expedient that provision should be made for regulating the appropriation of all sums of money belonging to officers and soldiers employed in the service of the said United Company, and of all sums of money belonging to commanders, officers, and crews of ships hired by or belonging to the said United Company,

which, since the passing of the said Act, have come into the hands of any prize agent or agents, or any other person or persons whomsoever, or which, since the passing of the said Act, have severally arisen from or have become distributable, or shall hereafter arise from or become distributable, in respect of any capture made, or other warlike service already performed, and which shall hereafter come to the hands of prize agents and other persons; and that all unclaimed shares of such prize-money should be appropriated as hereinafter is provided: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all and every shares and share of booty, prize-money, head-money, bounty-money, and salvage-money, and of money arisen or to arise from or distributable, or hereafter to become distributable, in respect of any capture made, or other warlike service whatsoever already performed, belonging or to belong to officers or soldiers or to any officer or soldier in or having been in the service of the said Company, in whatever service the same may have accrued, which, since the passing of the said recited Act, has come into and is now remaining in the hands or shall hereafter come into the hands of any prize agent or agents, or any other person or persons whomsoever, shall be paid over to the said United Company in London, or at any of their settlements abroad, according to the residence of the party or parties paying the same, or as the Court of Directors of the said United Company shall direct: and all sums of money, when so paid over, shall be applied to the fund established by the Right Honourable Robert late Lord Clive, for the relief of persons and the widows of persons in the military service of the said United Company, commonly called "Lord Clive's Fund," for the purpose and objects of the said fund, according to the rules and regulations for the time being thereof; subject nevertheless to be refunded, without interest, to any person or persons entitled to the same, and establishing his, her, or their claim or claims thereto to the satisfaction of the Court of Directors of the said Company, or of the Governor and Council of the settlement where the same shall have been paid over to the said Company.

Prize-money belonging to soldiers remaining in the hands of agents and others, to be paid over to the East-India Company.

Application of the money so paid over.

II. And be it further enacted, that all and every shares and share of booty, prize-money, head-money, bounty-money, and salvage-money, and of money arisen or to arise from or distributable, or hereafter to become distributable, in respect of any capture made, or other warlike service whatsoever already performed, belonging or to belong to commanders, officers, sailors, or other persons, or to any commander, officer, sailor, or other person, serving or who may have served on board of any ship or vessel in the service of the said Company, whether hired or belonging to the said Company, in whatsoever service the same may have accrued, which, since the passing of the said recited Act, has come into and is now remaining in the hands or shall hereafter come into the hands of any prize agent or agents, or any other person or persons whomsoever, shall be paid over to the said United Company in London, or at any of their settlements abroad, according to the residence of the party or parties paying the same, or as the Court of Directors of the said United Company shall direct; and all sums of money, when so paid over, shall be applied to the hospital fund established for the relief of persons and widows of persons belonging to ships and vessels in the service of the said United Company, commonly called "Poplar Hospital," for the purposes and objects of the said last-mentioned fund, according to the rules and regulations for the time being thereof: subject nevertheless to be refunded, without interest, to any person or persons entitled to the same, and establishing his, her, or their claim or claims thereto to the satisfaction of the Court of Directors of the said Company, or of the Governor and Council of the settlement where the same shall have been paid over to the said Company.

Prize-money belonging to seamen, in the hands of agents and others, to be paid over to the East-India Company.

Application of such money.

Nothing herein to give to the Company any right to prize-money of any soldier or sailor on account of services in any of his Majesty's forces or ships.

III. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to give to the said United Company, or any person or persons on the behalf of the said Company, any right, title, or interest in or to any booty, prize-money, head-money, bounty-money, salvage-money, or to any forfeited or unclaimed share or shares thereof, which now is or are or hereafter shall be due or payable to any officer, soldier, sailor, or other person, on account of services in his Majesty's army, royal artillery, black, provincial, or other troops in the pay of his Majesty, or on board of any of his Majesty's ships or vessels, or in any other service, to the forfeited and unclaimed shares of which the Royal Hospital for seamen at Greenwich, or the Royal Hospital for soldiers at Chelsea, the respective treasurers thereof, are entitled or shall become entitled by the laws now in force; nor to give any powers or authorities to the said United Company over such last-mentioned booty, prize-money, head-money, bounty-money, or salvage-money, or in respect thereof.

Times within which payments to the Company are to be made.

IV. Provided also, and be it further enacted, that all money now remaining in the hands of any prize agent or agents, or any other person or persons whomsoever, and which is hereby directed to be paid over to the said United Company, and which shall be to be paid over in London, shall be paid within six calendar months next after the passing of this Act; and all such money which shall be to be paid over at any of the settlements abroad of the said United Company, shall be paid within six calendar months next after the Governments of the said settlements respectively shall have caused the provisions of this Act in that respect to be notified in the way in which general orders for the army are usually published at the said settlements respectively; and that all money which shall hereafter come into the hands of any prize agent or prize agents, or any other person or persons whomsoever, and which is hereby directed to be paid over to the said United Company, and which shall be to be paid over in London, shall be paid within six calendar months next after the receipt thereof by such prize agent or agents, or other person or persons; and that all such money which shall be to be paid over at any of the settlements abroad of the said United Company, and which shall be in the hands of such prize agent or agents, or other person or persons, at the time when the Governments at the said settlements respectively shall have caused the provisions of this Act in that respect to be notified in the way in which general orders for the army are usually published at the said settlements respectively, shall be paid over within six calendar months next after such notification: and that all such money, which shall, after such notification, come to the hands of any prize agent or agents, or other person or persons whomsoever, shall be paid within six calendar months next after the receipt thereof by such prize agent or agents, or other person or persons.

Agents and other persons to deliver upon oath accounts of unclaimed shares.

V. And be it further enacted, that all and every person and persons whomsoever, who are required by this Act to pay over any money to the said United Company, shall, and they are hereby required, without further requisition or notice, to deliver or cause to be delivered to the secretary of the said United Company in London, or to the several secretaries of the respective Governments at the settlements abroad, where such money shall be to be paid over to the said United Company respectively, a true and correct account of all the monies remaining in his or their hands, and so to be paid over, with a list or lists of the names, rank, regiment, or other sufficient description of the persons entitled thereto, which accounts and lists shall be verified by the affidavit on oath of the party or one of the parties required to deliver the same, such oath to be taken before any magistrate or other person authorized by any Court of Law or Equity to administer oaths, and which oath such magistrate or other person is hereby required to administer accordingly.

VI. And be it further enacted, that upon the reasonable request and notice of the Court of Directors of the said United Company, and the Governments of the settlements of the said Company abroad respectively, all and every person and persons whomsoever, who are required by this Act to pay over any money to the said United Company, shall make out and deliver, or cause to be made out and delivered, to the secretaries of the said Court of Directors, and of the said Governments respectively requiring the same, full, true, and particular accounts in writing of all the receipts, payments, dealings, and transactions of such person and persons: and if they shall be executors, administrators, agents, or representatives, then full, true, and particular accounts in writing of their several testators, intestates, and principals, any way relating to any booty, prize-money, or other matter in respect of which such money so to be paid over shall have arisen, with the dates of all and every such receipts, payments, dealings, and transactions, and true and correct lists and descriptions of all grants, deeds, writings, books of account, letters, and papers whatsoever in the custody or power, or which ever shall have been in the custody or power of the persons respectively required to make out and deliver the same, or of their respective testators, intestates, or principals, any way relating to any such booty, prize-money, or other matter; which accounts and lists shall be verified by affidavit on oath, to the best of the knowledge, information, and belief of the person or persons required to make out and deliver the same, such oath to be taken before any magistrate or other person authorized by any Court of Law or Equity to administer oaths, and which oath such magistrate or other person is hereby required to administer accordingly; and all the grants, deeds, writings, books of account, letters, and papers relating to the matters aforesaid, and in the custody or power of the person or persons required to pay over any such money as aforesaid, shall be produced and shown at all reasonable times, at the place or places where such grants, deeds, writings, books of account, letters, and papers shall be usually kept and deposited, or in some other reasonable and convenient manner, to such person and persons as the said Court of Directers, or the said Governments respectively, shall direct or authorize to inspect the same; and such person and persons shall have full liberty to inspect and take, and cause to be taken, such copies, extracts, and abstracts thereof as he or they, or the said Court of Directors, or the said Governments respectively, shall see fit: provided always, that this Act, or any thing herein contained, or the production, inspection, or examination of the accounts, books, and papers, before mentioned, shall not in any way be deemed or construed to extend to open any account which shall have been conclusively closed and settled by the order, judgment, sentence, or decree of any Court of competent jurisdiction, or in any other manner by which the parties interested therein would have been concluded if this Act had not passed, nor to prevent any Court of competent jurisdiction to order any such account to be opened, or to give liberty for surcharge or falsification thereof, upon just cause and ground shown for that purpose.

The Court of Directors and Governments abroad empowered to call for general prize accounts on oath.

Not to require accounts which have been legally closed.

VII. And be it further enacted, that if any person or persons whosoever shall be convicted of making a false oath touching any of the matters directed or required by this Act to be testified on oath, such person or persons so convicted as aforesaid shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons guilty of perjury are liable by any law in force in that part of the United Kingdom called England: and if any person shall corruptly procure or suborn any other person or persons to swear falsely in any such oath, such person, being duly convicted of such procuring and suborning, shall for every such offence incur and suffer such penalties, forfeitures, pains, and disabilities as persons convicted of perjury are respectively liable unto by any law in force in the said part of the said United Kingdom called England.

Persons taking false oaths guilty of perjury, and persons suborning liable to the penalties of perjury according to the law of England.

Power of recovery of the monies directed to be paid over.

VIII. And be it further enacted, that the said United Company shall have and be entitled to the same rights, powers, remedies, and methods of suit at law or in equity, or by any Admiralty process, to be commenced and prosecuted in the name of the said United Company, in the several Courts of Justice in the United Kingdom, and in the East-Indies, and elsewhere soever, for discovery and recovery of the monies hereby directed to be paid over to the said Company, as the original owners thereof now have, or are entitled to use or exercise: and all Courts of Law and Equity, and of Admiralty jurisdiction in the United Kingdom, and in the East-Indies, shall have and exercise the same jurisdiction, powers, and authorities for compelling all and every person and persons to account for and pay over the monies hereby directed to be paid over to the said United Company, as any Court of Law or Equity, or of Admiralty jurisdiction, may now lawfully exercise, with respect to any unclaimed balances payable to the treasurers of Greenwich Hospital and Chelsea Hospital respectively, by virtue of any Act or Acts of Parliament, or any law, usage, or custom whatsoever; and that it shall and may be lawful to and for the Court of Directors of the said United Company, and the several Governments of the settlements abroad of the said United Company, to exercise the same or the like powers and authorities for the recovery of the monies hereby directed to be paid over to the said United Company, as may now be exercised by virtue of any Act or Acts of Parliament now in force relating to prize-money by the treasurers of Greenwich Hospital and Chelsea Hospital respectively, so far as such powers and authorities extend to the recovery by them, and the discovery of unclaimed shares of prize-money due and belonging to any officers, soldiers, or seamen in the service of his Majesty, and shall be applicable to the objects of this Act; and all and every agent or agents shall be subject to the like penalties for neglect or default in not accounting for or paying over the share or shares, which by the said recited Act or by this Act is or are made payable to the said United Company, as agents are made liable to by any Act or Acts now in force, for not accounting for or for not paying over shares and balances to the treasurers of Greenwich and Chelsea Hospitals respectively.

Courts of Justice invested with the same powers as they now have with respect to Greenwich and Chelsea Hospitals.

Court of Directors, &c., to exercise similar authority to what may be exercised by the treasurers of Greenwich and Chelsea Hospitals.

Not to affect the interests of Chelsea or Greenwich Hospitals.

IX. And be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to affect the Royal Hospital for soldiers at Chelsea, nor the Royal Hospital for seamen at Greenwich; nor to take away, repeal, diminish, or interfere with any claim, right, or interest which by virtue of any law or laws now in force may have been given, or are now existing, or may hereafter by virtue of the said Acts become vested in the said royal hospitals, or in the treasurers thereof, on any unclaimed and forfeited shares of prize-money, or for the recovery thereof, for the benefit of the said institutions, or for the benefit of the person or persons entitled to any unclaimed and forfeited shares of prize-money; but the same shall continue and remain in the said Commissioners, and in the said treasurers, as if this Act had not been made.

Acquitting persons paying over prize-money.

X. And be it further enacted, that all and every person and persons who shall pay over to the said Company, or to any other person or persons by their order or for their use, any sum or sums of money required to be paid under the provisions of this Act, shall, from and after such payment, be absolutely acquitted and discharged from all claims and demands whatsoever of all and every other person and persons to the same monies which shall be so paid over.

Expenses of carrying this Act into execution to be defrayed out of the monies recovered.

XI. And be it further enacted, that all expenses incurred or to be incurred in executing this Act, and the sums paid in remunerating the officers or persons employed on behalf of the said United Company, for their care, pains, and trouble in performing the regulations

and directions thereof, shall, so far as the same relate to those officers or persons, be subject to the discretion of the Court of Directors for managing the affairs of the said Company, and shall be paid out of the principal monies to be recovered and discovered as aforesaid on account of such shares respectively: provided nevertheless, that no person employed by the said United Company in executing the regulations of this Act, shall act as an agent for prizes, or be concerned directly or indirectly in the business thereof, under the penalty of five hundred pounds.

Persons employed by the Company not to act as agents.

XII. Provided also, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to prevent any person or persons from resorting to any remedy at law or in equity against the said Company, for the recovery of principal, without interest, of any money to which he, she, or they may be entitled, and which shall have been paid to the said United Company, or which shall have been carried over by the said Company to the credit of either of the funds hereinbefore mentioned, under the directions of this Act: provided such person or persons shall have preferred his or their claim thereto to the said Court of Directors, if such money shall have been paid over to the said Company in England, or shall have been carried over from their funds at home, or to the Governor in Council of the presidency where the same shall have been paid or carried over, if paid over to the said Company, or carried over from their funds in India, within six years after the same shall have been so paid or carried over; any thing herein contained to the contrary notwithstanding.

Not to prevent persons trying rights to prize-money.

XIII. And be it further enacted, that this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all judges, justices, and others, without being specially pleaded.

Public Act.

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9 GEORGII IV. Cap. LXXIV.

An Act *for improving the Administration of Criminal Justice in the East-Indies.* [*25th July*, 1828.]

Whereas many wholesome alterations have lately been made in the criminal law of England, and the administration thereof, by authority of Parliament; and it is expedient that some of the said alterations should be extended to the British territories under the Government of the United Company of Merchants of England trading to the East-Indies; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that this Act shall commence and take effect on and from the first day of March, one thousand eight hundred and twenty-nine, and shall extend to all persons and all places, as well on land as on the high seas, over whom or which the criminal jurisdiction of any of his Majesty's Courts of Justice erected or to be erected within the British territories under the government of the United Company of Merchants of England trading to the East-Indies does or shall hereafter extend. (1)

From the 1st March, 1829, this Act to take effect throughout the jurisdiction of the King's Courts in the East-Indies.

(1) [This Act has been greatly modified by subsequent Acts of the Government of India, and especially by No. 31 of 1838, which

repealed a large number of its clauses; a part however is still in operation, but it has been deemed unadvisable to retain it here, inasmuch as it is in fact, like the Acts of the Government of India, a portion of the law of that country, extends moreover only to the inhabitants subject to the jurisdiction of the Supreme Courts, does not affect either the Home or the Local Government, the *constitution* of the Supreme Courts, or the emoluments of their judicial functionaries, and the subject does not possess any general interest. *Vide* Acts of the Government of India, 7 and 19 of 1837, 31 of 1838, 31 of 1839, 7 and 10 of 1844, &c.]

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10 GEORGII IV. Cap. VII.

An Act *for the Relief of his Majesty's Roman Catholic Subjects.* [13*th April*, 1829.]

The following section of this Act may properly be inserted here.

Such members of Corporations not to vote in ecclesiastical appointments.

XV. Provided nevertheless, and be it further enacted, that nothing herein contained shall extend to authorize or empower any of his Majesty's subjects professing the Roman Catholic religion, and being a member of any lay body corporate, to give any vote at, or in any manner to join in the election, presentation, or appointment of any person to any ecclesiastical benefice whatsoever, or any office or place belonging to or connected with the united church of England and Ireland, or the church of Scotland, being in the gift, patronage, or disposal of such lay corporate body.

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10 GEORGII IV. Cap. XVI.

An Act *to continue the Operation of an Act of the Seventh Year of His present Majesty, for suspending the Provisions of an Act of his late Majesty respecting the Appointment of Writers in the Service of the East-India Company; and to amend the Provisions of an Act of the Forty-seventh year of his late Majesty, so far as they relate to the Period of Residence at Hertford College as a Qualification for certain Offices.* [14*th May*, 1829.]

The first section of this Act continued the operation of the Act 7 Geo. 4, cap. 56, so far as it related to the appointment of writers not

having passed through the College, and to the establishment of rules for securing the requisite qualifications, until the 10th of April, 1834, beyond which period it was not extended by any subsequent law.

II. And whereas, by virtue of an Act passed in the forty-seventh year of the reign of his said late Majesty, all such time as shall be *boná fide* spent in the College established in England by the East-India Company for the education of their civil servants, by any persons after they shall respectively have attained the age of seventeen years, is accounted, as to certain offices, places, and employments which such persons are entitled to hold in India, as so much time actually spent in India, provided that such persons shall either before or after seventeen years of age spend two years at the least in the said College: and whereas it is expedient that the privileges so granted should, under certain circumstances, be extended to young men who may have spent less time than two years in the regular course of education at the said College; be it therefore enacted, that all such time, not exceeding two years, as shall have been or shall be *boná fide* spent in the said College in the regular course of such education as aforesaid by any persons after they shall respectively have attained the age of seventeen years, who shall have proceeded or shall hereafter proceed to India in the civil service of the said Company, shall be accounted, as to all offices, places, and employments, to which such persons are entitled to be appointed and to hold, the salary, perquisites, and emoluments whereof shall not exceed the sum of one thousand five hundred pounds per annum, as so much time actually spent in India, any law or usage to the contrary thereof in anywise notwithstanding.

All the time not exceeding two years, spent in the College in the course of education after seventeen years of age, shall be accounted as so much time spent in India, in certain cases.

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10 GEORGII IV. Cap. LXII.

An Act *to exclude Persons accepting Offices in the East-Indies from being Members of the House of Commons.* [*24th June*, 1829.]

Whereas by an Act passed in the sixth year of the reign of Queen Anne, intituled, "An "Act for the Security of her Majesty's Person and Government and of the Succession to the "Crown of Great Britain in the Protestant Line," it is amongst other things enacted, that no person who should be a Governor or Deputy-Governor of any of the plantations should be capable of being elected, or of sitting or voting as a member of the House of Commons: and whereas doubts have been entertained how far the provisions of the said Act extend to persons holding the office of Governor-General, or of Governor of any of the settlements or presidencies under the authority of the East-India Company; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that no person who shall be hereafter appointed Governor or Deputy-Governor of any of the settlements, presidencies, territories, or plantations of the said East-India Company, shall be capable of being elected, or of sitting or voting as a member of the House of Commons while he shall continue to hold such office.

6 Anne, c. 7.

No person appointed Governor, &c., in India, shall be capable of sitting in the House of Commons.

II. And be it further enacted, that if any person hereby declared to be incapable to sit or vote as a member of the House of Commons, shall nevertheless be returned as a member to

Election of such persons declared void.

serve in Parliament, such election and return are hereby enacted and declared to be void; and if any person declared by this Act incapable of being elected shall sit or vote as a member of the House of Commons, such person so sitting or voting shall forfeit the sum of five hundred pounds to such person or persons who shall sue for the same in any of his Majesty's Courts at Westminster; and the money so forfeited shall be recovered by the person so suing, with full costs of suit, in any of the said Courts, by action of debt, bill, plaint, or information, in which no essoign, privilege, protection, or wager of law, or more than one imparlance, shall be allowed.

Penalty on persons so sitting or voting.

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11 GEORGII IV. & 1 GULIELMI IV. Cap. XX.

An Act *to amend and consolidate the Laws relating to the Pay of the Royal Navy.* [29*th May*, 1830.]

Of this Act it is requisite to quote only the two sections following.

Provision for seamen left abroad in distress.

LXXXII. And whereas by the said Act of the thirty-first year of King George the Second, and the said first-mentioned Act of the thirty-second year of King George the Third, hereby repealed, certain provisions were established for the care and maintenance of British seamen who, by shipwreck, capture, or otherwise, might be left in distress in foreign parts; and it is expedient that other provisions should be substituted for the due care and subsistence of seafaring persons thus circumstanced; be it therefore enacted, that the governors, ministers, consuls, and other officers of his Majesty in foreign parts, and in places where there shall be no such, then any two British merchants there residing, shall, and they are hereby authorized, directed, and required to send for and provide for all such seafaring men and boys, being subjects of the United Kingdom, who shall by shipwreck, or by any other means, or from any cause whatever, be driven to or cast away, or left or be in distress at any such foreign parts or places, or who shall have been discharged from any of his Majesty's ships; and they and every of them are hereby required to provide for and subsist all such seafaring men and boys, and for so doing they shall be allowed so much per day as hath been or shall be in this respect authorized by the Lord High Admiral or the Commissioners for executing the office of lord high admiral aforesaid, for the amount of which disbursements they shall send bills, together with proper vouchers, to the Commissioners of the Navy, in order that, after due examination of such vouchers, payment of the amount thereof may be made to them; and the said governors, ministers, consuls, other officers, and merchants shall cause such men and boys to be put or sent on board the first or any ship or vessel belonging to any subjects of his Majesty which shall be bound from thence or from the neighbourhood to any part of the United Kingdom, and shall be in want of men to make up their complement; and if there shall be no such ship in want of men within a convenient time, then they shall provide and order a passage home for such seafaring men and boys in the first ship or vessel of his Majesty's subjects bound to any part of the said United Kingdom; and every master or other person having the charge of any such ship or vessel shall and he is hereby required to receive and afford a passage, and subsistence during the voyage, to all such seafaring men and boys as shall be so sent on board his ship, not exceeding four for every one hundred tons of his

ship's burthen; and every such master, on the production to the Commissioners of the Navy of a certificate under the hands of any such governors, ministers, consuls, other officers, or merchants, specifying the number and names of the men and boys, and the time when they were so received on board, and upon making oath as to the number of days they were subsisted, and that he did not during that period want of his own complement of men, or if he did want any, then the number he so wanted of his complement, and for what time he shall be entitled to receive from the said Commissioners an allowance in respect of the subsistence and passage of each such man and boy (exceeding the number so wanting of his complement), according to such rate per day as in that behalf hath been or shall be authorized by the said Lord High Admiral or the Commissioners for executing the office of lord high admiral aforesaid; and in case any master or other person having charge of any such ship shall neglect or refuse to receive on board his ship, and to subsist and give a passage to any such seafaring man or boy, in breach of this enactment, every person so offending shall be liable to a penalty of one hundred pounds for each man or boy he shall so neglect or refuse to receive, subsist, or give a passage to, which penalty shall and may be recovered by information at the suit of his Majesty's Attorney-General in his Majesty's Court of King's Bench or Exchequer at Westminster; and that in such information the offence or offences shall and may be alleged to have been committed at Westminster, in the county of Middlesex; and the Court in which any such information shall be prosecuted shall be and is hereby authorized to issue a commission or commissions for the examination of witnesses abroad, the depositions taken under which shall be received in evidence on the trial of such information.

The Admiralty to cause the Act to be executed.

XCIV. And be it further enacted, that the Lord High Admiral, or the Commissioners for executing the office of lord high admiral, for the time being, shall cause measures to be taken for providing the several forms of books, bills, certificates, tickets, and other documents authorized or required by this Act; and if any case not herein provided for shall arise, it shall be lawful for the Lord High Admiral or the said Commissioners to make such order thereupon as shall be deemed most conducive to the interests of the public service and of the individuals engaged therein, and for carrying the intentions of this Act into effect: and they shall also cause an abstract of the provisions and regulations herein contained to be made and printed, and a competent number of copies thereof to be furnished to the treasurer of the navy, principal officers and Commissioners of his Majesty's Navy at home and abroad, to the Commissioners of Customs and Excise in the United Kingdom respectively, to the governors of his Majesty's colonies and of the settlements within the Charter of the East-India Company, to his Majesty's consuls abroad, to the registrars and deputy registrars of the Prerogative Court of Canterbury, to the governors and agents of naval hospitals and sick quarters, and to the commanding officers of the several divisions of Royal Marines, who are hereby strictly required to cause the same to be affixed on some conspicuous part of their respective offices, and to promulgate the same in their respective departments; and a competent number of copies of such abstract shall also be supplied to the captains and commanding officers of all his Majesty's ships, each of whom is hereby enjoined, so soon as the ship which he shall be appointed to command shall be put into sea pay, to cause one of such abstracts, together with the Articles of War, to be hung up in or affixed to the most public place in the ship, and shall cause the same to be constantly kept up and renewed, so that it may be at all times accessible to the whole of the crew; and he shall also cause such abstract to be distinctly and audibly read over once in every month in the presence of the ship's company, immediately after the Articles of War are read; and the Commissioners of the Navy are hereby enjoined to inquire whether such abstract and the said Articles of War have been duly hung up and

read as directed, and not to grant to any captain or commanding officer his general certificate until they shall be fully satisfied thereof, to the end that every person serving on board his Majesty's ships may at one and the same time hear and know the forfeitures and punishment he is liable to for neglect or disobedience, and likewise the advantages and benefits to which he is entitled by a due and faithful performance of his duty, and that if he shall suffer any oppression or injury in his Majesty's service, he may be the better enabled to lay his complaint before the Lord High Admiral or the Commissioners for executing the office of lord high admiral of the United Kingdom, who are hereby required, on any complaint made to them, to cause strict inquiry to be made into the circumstances, and if the complaint shall appear to them to be well founded, to grant relief forthwith.

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11 GEORGII IV. & 1 GULIELMI IV. Cap. LV.

An Act *to reduce the Rate of Bounties payable on the Seizure of Slaves.*

This Act, besides reducing the bounties, provides that in certain cases the Lords of the Treasury may at discretion, in the event of slaves considered liable to forfeiture, but from death or other circumstances not pronounced forfeited, direct payment of one moiety of the bounty which would have been due if the slaves had been forfeited.

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11 GEORGII IV. & 1 GULIELMI IV. Cap. LX.

An Act *for amending the Laws respecting Conveyances and Transfers of Estates and Funds vested in Trustees and Mortgagees; and for enabling Courts of Equity to give Effect to their Decrees and Orders in certain Cases.* [23*rd July*, 1830.]

The following sections of this Act may be useful.

Whereas an Act was passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled, "An Act for consolidating and amending the Laws relating to "Conveyances and Transfers of Estates and Funds vested in Trustees who are Infants, "Idiots, Lunatics, or Trustees of unsound Mind, or who cannot be compelled or refuse to "act; and also the Laws relating to Stocks and Securities belonging to Infants, Idiots, "Lunatics, and Persons of unsound Mind:" and whereas an Act was passed in the Parlia-

6 G. 4, c. 74.

ment of Ireland in the second year of the reign of King George the First, intituled, "An "Act to enable Infants who are seised or possessed of Estates in Fee, in Trust or by way "of Mortgage, to make Conveyances of such Estates:" and whereas an Act was passed in the Parliament of Ireland in the fifth year of the reign of King George the Second, intituled, "An Act to enable Idiots and Lunatics who are seised or possessed of Estates in Fee or for "Lives or Terms of Years, in Trust or by way of Mortgage, to make Conveyances, Surrenders, or Assignments of Estates; and to prevent Delay in Suits in Equity where Trustees "are not found:" and whereas an Act was passed in the seventh year of the reign of his late Majesty King George the Fourth, intituled, "An Act to amend the Laws in force in Ireland "relating to Conveyances and Transfers of Estates and Funds vested in Trustees:" and whereas it is expedient that the provisions of the said Acts should be consolidated and enlarged; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said recited Acts shall be and the same are hereby repealed, except so far as the same relate to stock belonging beneficially to infants or lunatics, and also except as to such proceedings of any description, under the same Acts respectively, as shall have been commenced before the passing of this Act, and which may be proceeded in according to the provisions of the said recited Acts respectively, or according to the provisions of this Act, as shall be thought expedient: provided always, that the several Acts repealed by the said first recited Act shall not be revived.

2 G. 1, (I.)

5 G. 2, (I.)

7 G. 4, c. 43.

Recited Acts repealed, except as herein mentioned.

II. And inasmuch as, in order to avoid unnecessary repetition, certain words are used in this Act, as describing subjects some of which, according to their usual sense, such words would not embrace; for the understanding of the sense attached to them in this Act, be it further enacted, that the provisions of this Act shall extend to and include the several other estates and persons, matters and things, hereinafter mentioned; that is to say, those relating to land, to any manor, messuage, tenement, hereditament, or real property, of whatever tenure, and to property of every description transferable otherwise than in books kept by any company or society, or any share thereof or interest therein; those relating to stock, to any fund, annuity, or security transferable in books kept by any company or society established or to be established, or to any money payable for the discharge or redemption thereof, or any share or interest therein; those relating to dividends, to interest or other annual produce; those relating to a conveyance, to any fine, recovery, release, surrender, assignment, or other assurance, including all acts, deeds, and things necessary for making and perfecting the same; those relating to a transfer, to any assignment, payment, or other disposition; those relating to a lunatic, to any idiot or person of unsound mind or incapable of managing his affairs; those relating to an heir, to any devisee or other real representative by the common law or by custom or otherwise; and those relating to an executor, to any administrator or other personal representative; unless there be something in the subject or context repugnant to such construction; and whenever this Act, in describing or referring to any trustee or other person, or any trust land, conveyance, matter, or thing, uses the word importing the singular number or the masculine gender only, the same shall be understood to include and shall be applied to several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, and several trust lands, stocks, conveyances, matters, or things respectively, as well as one trust land, stock, conveyance, matter, or thing respectively, unless there be something in the subject or context repugnant to such construction.

Rules for the interpretation of this Act.

Lord Chancellor may direct the committee or other person to transfer stocks or funds standing in the name of a lunatic trustee, and receive the dividends.

IV. And be it further enacted, that where any stock shall be standing in the name of any person who shall be a lunatic, as a trustee or executor, alone or jointly with any other person, or shall continue to be standing in the name of a deceased person whose executor shall be lunatic, or shall be otherwise vested in or transferable by any person who shall be lunatic, for the benefit of some other person, it shall be lawful for the Lord Chancellor, intrusted as aforesaid, to direct the committee of the estate of any such lunatic to transfer or join in transferring such stock to or into the name of such person and in such manner as the said Lord Chancellor shall think proper, and also to order such person appointed as aforesaid to receive and pay over or join in receiving and paying over the dividends of such stock in such manner as the said Lord Chancellor shall direct; and every such transfer, receipt, and payment, shall be as effectual as if the person being lunatic had been of sane mind, memory, and understanding, and had transferred, received, and paid, or joined in transferring, receiving, and paying, such stock or dividends.

Lord Chancellor, before inquisition, may appoint a person to convey or transfer.

V. And be it further enacted, that where any such person as aforesaid being lunatic shall not have been found such by inquisition, it shall be lawful for the Lord Chancellor, intrusted as aforesaid, to direct any person whom the said Lord Chancellor may think proper to appoint for that purpose, in the place of such last-mentioned lunatic, to convey or join in conveying such land, or to transfer or join in transferring such stock, and to receive and pay over the dividends thereof, as hereinbefore is mentioned; and every such conveyance, transfer, receipt, or payment shall be as effectual as if the said person being lunatic had been of sane mind, memory, and understanding, and had made, done, or executed the same; but where any sum of money shall be payable to such lunatic, no such last-mentioned order shall be made if such sum of money shall exceed seven hundred pounds; and where any sum not exceeding seven hundred pounds shall be payable to such lunatic, and any such order shall be made, the Lord Chancellor, intrusted as aforesaid, shall direct to whom and in what manner the money so payable shall be paid; and every payment made in pursuance of such direction shall effectually discharge the person paying the same from the money which he shall so pay.

Transfer of stocks or funds.

X. And be it further enacted, that where any person in whose name as a trustee or executor (either alone or together with the name of any other person), or in the name of whose testator (whether as a trustee or beneficially), any stock shall be standing, or any other person who shall otherwise have power to transfer or join with any other person in transferring any stock to which some other person shall be beneficially entitled, shall be out of the jurisdiction of or not amenable to the process of the Court of Chancery, or it shall be uncertain whether such person be living or dead: or if any such trustee or executor or other person shall neglect or refuse to transfer such stock, or receive and pay over the dividends thereof to the person entitled thereto, or to any part thereof respectively, or as he shall direct, for the space of thirty-one days next after a request in writing for that purpose shall have been made to any such trustee or executor or other person by the person entitled as aforesaid, then and in every or any such case it shall be lawful for the Court of Chancery to direct such person as the said Court shall think proper to appoint for that purpose, in the place of such trustee or executor or other person, to transfer or join in transferring such stock to or into the name of such person and in such manner as such Court shall direct, and also to order any person appointed as aforesaid to receive and pay over, or join in receiving and paying over, the dividends of such stock in such manner as the said Court shall direct; and every such transfer, receipt, and payment shall be as effectual as if the said trustee or executor or other

person had transferred or joined in transferring such stock, or had received and paid or joined in receiving and paying the said dividends.

XXII. And whereas cases may occur, upon applications by petition under this Act for a conveyance or transfer, where the recent creation or declaration of the trust or other circumstances may render it safe and expedient for the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery (as the case may require), to direct, by an order upon such petition, a conveyance or transfer to be made to a new trustee or trustees, without compelling the parties seeking such appointment to file a bill for that purpose, although there is no power in any deed or instrument creating or declaring the trusts of such land or stock to appoint new trustees; be it therefore further enacted, that in any such case it shall be lawful for the Lord Chancellor, intrusted as aforesaid, or the said Court of Chancery, to appoint any person to be a new trustee, by an order to be made on a petition to be presented for a conveyance or transfer under this Act, after hearing all such parties as the said Court shall think necessary; and thereupon a conveyance or transfer shall and may be made and executed, according to the provisions hereinbefore contained, to or so as to vest such land or stock in such new trustee, either alone or jointly with any surviving or continuing trustee, as effectually and in the same manner as if such new trustee had been appointed under a power in any instrument creating or declaring the trusts of such land or stock, or in a suit regularly instituted.

In certain cases the Lord Chancellor or Court of Chancery may appoint new trustees, upon petition.

XXVI. And be it further enacted, that the powers and authorities given by this Act to the Lord Chancellor of Great Britain, intrusted as aforesaid, shall extend to all land and stock within any of the dominions, plantations, and colonies belonging to his Majesty (except Scotland and Ireland).

Powers given to the Lord Chancellor of Great Britain.

XXVIII. And be it further enacted, that the powers and authorities given by this Act to the Lord Chancellor of Great Britain, intrusted as aforesaid, shall and may be exercised in like manner by and are hereby given to the Lord Keeper or Commissioners of the Great Seal of Great Britain for the time being, intrusted as aforesaid; and the powers and authorities given by this Act to the Lord Chancellor of Ireland, intrusted as aforesaid, shall and may be exercised in like manner by and are hereby given to the Lord Keeper or Commissioners of the Great Seal of Ireland for the time being, intrusted as aforesaid.

Powers given to the Lord Chancellor to extend to the Lord Keeper and Commissioners.

XXIX. And be it further enacted, that the powers and authorities given by this Act to the Court of Chancery in England shall extend to all land and stock within any of the dominions, plantations, and colonies belonging to his Majesty (except Scotland).

Powers given to the Court of Chancery in England.

XXXII. Provided always, and be it further enacted, that in all cases in which orders shall be made, in pursuance of this Act, for the transfer of stock, the person to be named in such order for making such transfer shall either be the committee of the estate of the person being lunatic in whose place such transfer shall be made, or a co-trustee or co-executor of the person in whose place such person shall be directed to transfer, or some officer of the company or society in whose books the same respectively shall be directed to be made; and where such transfer shall be directed to be made in books kept by the Governor and Company of the Bank of England, such officer shall be the secretary or deputy-secretary or accountant-general for the time being of the said Governor and Company, or his deputy.

Who shall be named in the orders of the Court for making transfers.

Act to be an indemnity to the Bank and other companies.

XXXIII. And be it further enacted, that this Act shall be and is hereby declared to be a full and complete indemnity and discharge to the Governor and Company of the Bank of England, and to all other companies and societies, and their officers and servants, for all acts and things done or permitted to be done pursuant thereto, and that such acts and things shall not be questioned or impeached in any court of law or equity to their prejudice or detriment.

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11 GEORGII IV. & 1 GULIELMI IV. Cap. LXV.

AN ACT *for consolidating and amending the Laws relating to Property belonging to Infants, Femes Covert, Idiots, Lunatics, and Persons of unsound Mind.* [23*rd July*, 1830.]

Certain sections only of this Act need be inserted.

Whereas an Act was passed in the ninth year of the reign of King George the First,
9 G. 1, c. 29. intituled, "An Act to enable Lords of Manors more easily to recover their Fines, and to "exempt Infants and Femes Covert from Forfeitures of their Copyhold Estates in particular "Cases;" and whereas an Act was passed in the twenty-ninth year of the reign of King
29 G. 2, c. 31. George the Second, intituled, "An Act to enable Infants, Lunatics, and Femes Covert to "surrender Leases, in order to renew the same:" and whereas an Act was passed in the
11 G. 3, c. 20. eleventh year of the reign of King George the Third, intituled, "An Act to enable Lunatics "entitled to renew Leases, their Guardians and Committees, to accept of Surrenders of old "Leases, and grant new ones:" and whereas an Act was passed in the Parliament of Ireland
11 Ann. (I.) c. 3. in the eleventh year of the reign of Queen Anne, intituled, "An Act to enable Guardians "and others to renew Leases for Lives:" and whereas an Act was passed in the forty-third
43 G. 3, c. 75. year of the reign of King George the Third, intituled, "An Act to authorize the Sale or "Mortgage of the Estates of Persons found lunatic by inquisition in England or Ireland "respectively, and the granting of Leases of the same:" and whereas an Act was passed in
47 G. 3, c. 8, s. 2. the forty-seventh year of the reign of King George the Third, intituled, "An Act concerning Common Recoveries suffered in Copyhold or Customary Courts by Attorney:" and whereas an Act was passed in the fifty-ninth year of the reign of King George the
59 G. 3, c. 80. Third, intituled, "An Act concerning Common Recoveries to be suffered by Attorney in "Courts of Ancient Demesne, and to explain an Act of his present Majesty relative to the "Sale or Mortgaging of Estates of Lunatics:" and whereas an Act was passed in the sixth
6 G. 4, c. 74. year of the reign of his late Majesty King George the Fourth, intituled, "An Act for consolidating and amending the Laws relating to Conveyances and Transfers of Estates and "Funds vested in Trustees who are Infants, Idiots, Lunatics, or Trustees of unsound Mind, "or who cannot be compelled, or refuse to act; and also the Laws relating to Stocks and "Securities belonging to Infants, Idiots, Lunatics, and Persons of unsound Mind:" and whereas an Act was passed in the ninth year of the reign of his said late Majesty, intituled,
9 G. 4, c. 78. "An Act for extending the Acts passed in the forty-third and fifty-ninth years of the reign "of his late Majesty King George the Third, for the Sale and Mortgage of Estates of "Persons found Lunatics by Inquisition taken in England and Ireland, so as to authorize

" such Sale and Mortgage for other Purposes; and for rendering Inquisitions or Commis-
" sions of Lunacy taken in England available in Ireland, and like Inquisitions taken in
" Ireland available in England:" and whereas it is expedient the provisions of the said Acts should be consolidated and amended; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said recited Acts of the eleventh year of the reign of Queen Anne, the ninth year of the reign of King George the First, the twenty-ninth year of the reign of King George the Second, the eleventh, forty-third, forty-seventh, and fifty-ninth years of the reign of King George the Third, and the ninth year of the reign of his late Majesty King George the Fourth, and also the said recited Act of the sixth year of the reign of his present Majesty, so far as the said last-mentioned Act relates to stocks, funds, annuities, and securities belonging beneficially to persons being infants, idiots, lunatics, or of unsound mind, shall be and the same are hereby repealed (except as to such proceedings under the same as shall have been commenced before the passing of this Act, and which may be proceeded in according to the provisions of the said recited Acts respectively, or according to the provisions of this Act, as shall be thought expedient): provided always, that the several Acts repealed by the said last-recited Act shall not be revived.

Recited Acts of 11 Ann.; 9 G. 1; 29 G. 2; 11, 43, 47, and 59 G. 3; 9 G. 4, and so much of 6 G. 4 as relates to funds belonging to infants, &c., repealed.

II. And inasmuch as, in order to avoid unnecessary repetition, certain words are used in this Act as describing subjects, some of which, according to their usual sense, such words would not embrace; for the understanding of the sense attached to them in this Act, be it further enacted, that the provisions of this Act shall extend and be understood to extend to and include the several other estates, persons, matters, and things hereinafter mentioned; that is to say, those relating to land, to any manor, messuage, tenement, hereditament, or real property of whatsoever tenure, and to property of every description transferable otherwise than in books kept by any company or society, or any share thereof or charge thereon, or estate or interest therein; those relating to stock, to any fund, annuity, or security transferable in books kept by any company or society, or to any money payable for the discharge or redemption thereof, or any share or interest therein; those relating to dividends, to interest or other annual produce; those relating to the Bank of England, to the East-India Company, South-Sea Company, or any other company or society established or to be established; those relating to a conveyance, to any release, surrender, assignment, or other assurance, including all acts, deeds, and things necessary for making and perfecting the same; those relating to a transfer, to any assignment, payment, or other disposition; and those relating to a lunatic, to any idiot or person of unsound mind or incapable of managing his affairs; unless there be something in the subject or context repugnant to such construction; and whenever this Act, in describing or referring to any person, or any land, stock, conveyance, lease, recovery, matter, or thing, uses the word importing the singular number, or the masculine gender only, the same shall be understood to include and shall be applied to several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, and several lands, stocks, conveyances, leases, recoveries, matters, or things, as well as one land, stock, conveyance, lease, recovery, matter, or thing respectively, unless there be something in the subject or context repugnant to such construction.

Rules for the interpretation of this Act.

XXXII. And be it further enacted, that it shall be lawful for the Court of Chancery, by an order to be made on the petition of the guardian of any infant in whose name any stock shall be standing, or any sum of money, by virtue of any Act for paying off any stock, and who shall be beneficially entitled thereto, or if there shall be no guardian, by an order to be

Court of Chancery or Exchequer may order dividends of stock belonging to infants to be applied for maintenance.

made in any cause depending in the said Court, to direct all or any part of the dividends due, or to become due in respect of such stocks, or any such sum of money, to be paid to any guardian of such infant, or to any other person, according to the discretion of such Court, for the maintenance and education, or otherwise for the benefit of such infant; such guardian or other person to whom such payment shall be directed to be made, being named in the order directing such payment; and the receipt of such guardian or other person for such dividends or sum of money, or any part thereof, shall be as effectual as if such infant had attained the age of twenty-one years, and had signed and given the same.

Stock belonging to lunatics may be ordered by the Lord Chancellor to be transferred.

XXXIII. And be it further enacted, that where any stock shall be standing in the name of, or shall be vested in any person being lunatic, who shall be beneficially entitled thereto, or shall be standing in the name of, or vested in any person being committee of the estate of a person found lunatic, in trust for or as part of his property, and such committee shall have died intestate, or shall himself become lunatic, or shall be out of the jurisdiction of, or not amenable to, the process of the Court of Chancery, or it shall be uncertain whether such committee be living or dead, or such committee shall neglect or refuse to transfer such stock, and to receive and pay over the dividends thereof to a new committee, or as he shall direct, for the space of fourteen days next after a request in writing for that purpose shall have been made by any new committee, then and in every or any such case it shall be lawful for the Lord Chancellor intrusted as aforesaid, upon the petition of the committee of the estates of the person being lunatic, or of the person reported by the master to whom the matter is referred as a proper person to be such committee, although such report shall not have been confirmed, to direct such person as such Lord Chancellor shall think proper to appoint for that purpose to transfer such stock to or into the name of any new committee, or in the name of the Accountant-General of the said Court, or otherwise, and also to receive and pay over the dividends thereof, or such sum or sums of money, in such manner as such Lord Chancellor shall think proper; and such transfers and payments shall be valid and effectual to all intents and purposes whatsoever.

Where stock shall be standing in the names of lunatics residing out of England, the Lord Chancellor may direct the transfer.

XXXIV. And be it further enacted, that where any stock shall be standing in the name of, or vested in any person residing out of England, it shall be lawful for the Lord Chancellor, intrusted as aforesaid, upon petition, and proof being made to his or their satisfaction, that such person has been declared lunatic, and that his personal estate has been vested in a curator, or other person appointed for the management thereof, according to the laws of the place where such person shall reside, to direct any person whom such Lord Chancellor shall think proper to appoint for that purpose, to transfer such stock, or any part or parts thereof, into the name of any such curator, or other such person as aforesaid, or otherwise, and also to receive and pay over the dividends thereof, as such Lord Chancellor shall think fit; and that such transfers and payments shall be valid and effectual to all intents and purposes whatsoever.

Powers given to the Court of Chancery in England.

XXXVI. And be it further enacted, that the powers and authorities given by this Act to the Court of Chancery in England, shall extend to all land and stock within any of the dominions, plantations, and colonies belonging to his Majesty (except Scotland).

Power to the Lord Chancellor of Great Britain.

XXXIX. And be it further enacted, that the powers and authorities given by this Act to the Lord Chancellor of Great Britain, intrusted as aforesaid, shall extend to all land and stock wheresoever, within any of the dominions, plantations, and colonies belonging to his Majesty (except Scotland and Ireland).

XLII. And be it further enacted, that the powers and authorities given by this Act to the Lord Chancellor of Great Britain, intrusted as aforesaid, shall and may be exercised in like manner by, and are hereby given to, the Lord Keeper or Commissioners of the Great Seal of Great Britain for the time being, intrusted as aforesaid; and the powers and authorities given by this Act to the Lord Chancellor of Ireland, intrusted as aforesaid, shall and may be exercised in like manner by, and are hereby given to, the Lord Keeper or Commissioners of the Great Seal of Ireland for the time being, intrusted as aforesaid.

Powers given to the Lord Chancellor to extend to the Lord Keeper and Commissioners.

XLIII. Provided always, and be it further enacted, that in all cases in which orders shall be made in pursuance of this Act for the transfer of stock, the person to be named in such order for making such transfer, shall be some officer of such company or society in whose books such transfer shall be made: and where such transfer shall be directed to be made in books kept by the Governor and Company of the Bank of England, such officer shall be the Secretary or Deputy-Secretary, or Accountant-General, or Deputy Accountant-General, for the time being of the said Governor and Company.

Who shall be named in the orders of the Court for making transfers.

XLIV. And be it further enacted, that this Act shall be and is hereby declared to be a full and complete indemnity and discharge to the Governor and Company of the Bank of England, and all other companies and societies, and their officers and servants, for all acts and things done or permitted to be done pursuant thereto; and that such acts and things shall not be questioned or impeached in any Court of Law or Equity to their prejudice or detriment.

Act to be an indemnity to the Bank and other companies.

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11 GEORGII IV. & 1 GULIELMI IV. Cap. LXXV.

An Act *for the Relief of the Sufferers by the Insolvency of Gilbert Ricketts, Esquire, formerly Registrar of the Supreme Court of Judicature at Madras.* [*23rd July*, 1830.]

This Act, the title of which sufficiently explains its object, being of partial as well as of temporary interest only, it has not been considered necessary to include it in this collection.

1 GULIELMI IV. Cap. IV.

An Act *to render valid Acts done by the Governor of any of his Majesty's Plantations after the expiration of his Commission by the Demise of his late Majesty, and to extend the Period within which the Patents of Governors of Colonies shall on any future Demise of the Crown become vacant, and to provide for the longer Duration of the Patents of Governors after the Demise of the Crown.*

[23*rd December*, 1830.]

Whereas on the demise of his late Majesty King George the Fourth, divers persons were in the exercise of offices and employments, civil and military, within his Majesty's plantations, colonies, and possessions abroad, holden under and by virtue of divers patents, commissions, warrants, or other authorities determinable at his said late Majesty's pleasure: and whereas at the expiration of six calendar months next after the demise of his said Majesty such offices and employments as aforesaid, will by law cease and determine, and such patents, commissions, warrants, and other authorities as aforesaid will by law be vacated and become void; and whereas, by reason of the remoteness of divers of such plantations, colonies, and possessions, it hath been found and is impracticable to renew such patents, commissions, warrants, and authorities, so as that the renewal thereof should within the period aforesaid be signified and take effect within the said plantations, colonies, and possessions, and the governors and officers administering the government thereof, and other his Majesty's officers therein, must, notwithstanding the expiration of such their commissions, continue in the exercise of the powers and authorities thereby in them vested, in the same manner as if such commissions had not determined: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that powers and authorities, whether vested in any governor, lieutenant-governor, or officer administering the government of any of his Majesty's plantations, colonies, or possessions abroad, or in any officer or officers within any such plantation, colony, or possession, by any patent, commission, or warrant which hath determined or will determine by the demise of his said late Majesty, shall continue in full force and virtue until a new patent, commission, or warrant for the administration of any such government, or for the exercise of any such office, shall be issued by his Majesty, or on his behalf or under his authority; and until the issuing of any such new patent, commission, or warrant shall be signified and made known within the plantation, colony, or possession abroad to which the same may relate; and that all acts and deeds which shall in the meantime be done shall be as good, binding, valid, and effectual as if such patent, commission, or warrant had not been vacated or made void, and as if such office or employment had not ceased and determined.

All powers vested in governors of colonies, &c., by patent or commission of his late Majesty, to continue in force until new patents shall be issued and made known in such colonies.

II. And be it further enacted, that no patent, commission, warrant, or other authority for the exercise of any office or employment, civil or military, within any of his Majesty's plantations or possessions abroad, determinable at the pleasure of his Majesty, or of any of his Majesty's heirs and successors, shall by reason of any future demise of the Crown be vacated or become void until the expiration of eighteen calendar months next after any such demise of the Crown as aforesaid.

Extending the period at which patents shall become determinable at any future demise of the Crown.

By 11 Geo. 4 & 1 Wm. 4, cap. 43, persons in possession of offices at the demise of the Crown, and re-appointed thereto, are exempted from fees or stamps in respect thereof. By the same Act the Commissioners of her Majesty's Treasury are to determine the remuneration to be made to those who prepare the new commissions, letters patent, &c.

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2 GULIELMI IV. Cap. LI.

An Act *to regulate the Practice and the Fees in the Vice-Admiralty Courts abroad, and to obviate Doubts as to their Jurisdiction.*

[*23rd June*, 1832.]

Whereas it is expedient that provision should be made for the regulation of the practice to be observed in the suits and proceedings in the Courts of Vice-Admiralty in his Majesty's possessions abroad, and for the establishment of fees to be allowed and taken in the said Courts by the respective judges, officers, and practitioners therein; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for his Majesty, with the advice of his Privy Council, from time to time to make and ordain such rules and regulations as shall be deemed expedient touching the practice to be observed in suits and proceedings in the several Courts of Vice-Admiralty at present or hereafter to be established in any of his Majesty's possessions abroad, and likewise from time to time to make, ordain, and establish tables of fees to be taken or received by the judges, officers, and practitioners in the said Courts, for all acts to be done therein, and also from time to time, as shall be found expedient, to alter any such rules, regulations, and fees, and to make any new regulations and table or tables of fees; and that all such rules, regulations, and fees, after the same shall have been so made and established or altered, from time to time be entered or inrolled in the public books or records of the said Courts, so far as such practice and fees shall relate or apply to each of such Courts respectively.

> His Majesty empowered to make regulations and establish fees in the Vice-Admiralty Courts abroad.

> Regulations and fees to be inrolled in the respective Courts.

II. And be it further enacted, that a copy of every table of fees so to be from time to time made and established or altered, shall be laid before the House of Commons within three calendar months next after the making and establishment or alteration thereof respectively, if Parliament shall be then sitting, and if not, then within one calendar month next after the subsequent meeting of Parliament.

> The tables of fees to be laid before the House of Commons.

III. And be it further enacted, that the several fees so to be established, and no other, shall from and after the making and establishment thereof, and the entry and inrolment thereof as aforesaid, be deemed and taken to be the lawful fees of the several judges, officers, ministers, and practitioners of the said respective Courts; and such fees only shall and may be demanded, received, and taken accordingly.

> Fees so established to be the only lawful fees.

IV. And to the intent that all such regulations and fees may be promulgated and publicly made known, be it further enacted, that the Judge and Registrar of every such Court shall cause to be kept constantly hung up and preserved in some conspicuous part of every such

> Copies of the regulations and tables of fees to be hung up in each Court.

Court, and in the office of the registrar, a copy of the table of fees so to be from time to time ordained and established in such Courts respectively, so that the said table may be seen and read by all persons having any business in any such Court and office respectively, and that the books or records containing the entries of the said regulations and tables of fees, as the same shall be in force, shall be at all seasonable times open to the inspection of the practitioners and suitors in every such Court.

Appeal to the High Court of Admiralty in cases of costs.

V. And be it further enacted, that in all cases in which proceedings may be had in any of the said Vice-Admiralty Courts, if any person shall feel himself aggrieved by the charges made by any of the officers or practitioners therein, and the allowance thereof by such Vice-Admiralty Court, by reason that such charges are not warranted by the tables hereinbefore mentioned, it shall be lawful for such person or his agent, under the regulations to be established in pursuance of the powers given by this Act, by summary application to the High Court of Admiralty to have the said charges taxed by the authority thereof.

Vice - Admiralty Courts to have jurisdiction in certain maritime causes.

VI. And whereas in certain cases doubts may arise as to the jurisdiction of Vice-Admiralty Courts in his Majesty's possessions abroad, with respect to suits for seamen's wages, pilotage, bottomry, damage to a ship by collision, contempt in breach of the regulations and instructions relating to his Majesty's service at sea, salvage, and droits of Admiralty; be it therefore enacted, that in all cases where a ship or vessel, or the master thereof, shall come within the local limits of any Vice-Admiralty Court, it shall be lawful for any person to commence proceedings in any of the suits hereinbefore mentioned in such Vice-Admiralty Court, notwithstanding the cause of action may have arisen out of the local limits of such Court, and to carry on the same in the same manner as if the cause of action had arisen within the said limits.

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2 GULIELMI IV. Cap. LIII.

An Act *for consolidating and amending the Laws relating to the Payment of Army Prize-money.* [23*rd June*, 1832.]

The first section of this Act repeals several former Acts on the subject, except as to captures previously made, offences previously committed, or repealing clauses contained in such Acts.

All captures hereafter made by the army shall be disposed of as his Majesty shall direct.

II. And be it further enacted, that from and after the passing of this Act, in all captures which shall be made by his Majesty's army, royal artillery, provincial, black, and all other troops in the pay or service of his Majesty, or belonging to his Majesty but in the pay of the United Company of Merchants trading to the East-Indies, or howsoever otherwise paid, of any fortress or possession of his Majesty's enemies, or of any ship or vessel in any road, river, haven, or creek belonging to such fortress or possession, and in all captures, expeditions, or actions from which prize-money, bounty-money, or grant shall arise, the commanders and other officers, and soldiers engaged therein shall have such right and interest as his Majesty shall think fit to order in all the arms, ammunition, stores of war, goods, merchandise, booty, prize, and treasure belonging to the state, or to any public trading company of such enemies, which shall be found in such fortress or possession, or captured in or granted for any such

expedition or action, to be divided in such proportions, and according to such general rule of distribution for the army, as shall be established by his Majesty, or in default thereof in such manner as his Majesty shall under his sign manual be pleased to direct.

XXIX. And be it further enacted, that in all conjunct expeditions of his Majesty's land and naval forces, from and after the adjudication of all and every ship or vessel, with their arms, ammunition, tackle, apparel, and furniture, and all the goods, merchandise, and other effects on board the same, and of every other matter or thing subject to such adjudication, which shall be captured in any road, haven, river, or creek belonging to such fortress or possession, or otherwise, as lawful prize to his Majesty, in any of his Majesty's Courts of Admiralty or Vice-Admiralty which shall be duly authorized to take cognizance of the same, and which Courts are hereby required to proceed therein to lawful adjudication, the share and proportion of his Majesty's army, royal artillery, provincial, black, and other troops in the pay of or belonging to his Majesty, or in the pay of the United Company of Merchants trading to the East-Indies, shall, as soon as such shares shall be ascertained, be paid over to the treasurer of Chelsea Hospital, in order that the same may be distributed, subject to the provisions, penalties, rules, remedies, and regulations of this Act.

In all conjunct expeditions, after adjudication by a Court of Admiralty, the shares to the army, as soon as ascertained, to be paid over to the treasurer of Chelsea Hospital.

The remaining sections of this Act contain various regulations affecting the collection, remittance, and appropriation of the shares of booty assigned by the favour of the Crown to the captors. When a claim arises on the part of the Company's troops, it is customary to bring it to the notice of the Crown by petition. For the appropriation of unclaimed shares of prize-money belonging to soldiers and sailors in the service of the East-India Company, two Acts were passed, 1 & 2 Geo. 4, cap. 61, and 9 Geo. 4, cap. 50.

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2 & 3 GULIELMI IV. Cap. CXVII

An Act *to amend the Law relating to the Appointment of Justices of the Peace, and of Juries in the East-Indies.* [16*th August*, 1832.]

Whereas it is expedient that other persons besides the covenanted servants of the United Company of Merchants of England trading to the East-Indies, or other British inhabitants of the East-Indies, should be capable of being appointed to the office of justice of the peace within and for the towns of Calcutta, Madras, and Bombay, be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that in the manner prescribed by law for the nomination and appointment of persons now eligible to the office of justice of the peace in the territories in the possession and under the Government of the said Company, and subject, except as to the taking of any oaths, to the other provisions of the law which relate to the said office, it shall and may be

Governors in Council empowered to authorize any persons to act as justices of the peace.

lawful for the Governor-General in Council of Fort William in Bengal, the Governor in Council of Fort St. George, and the Governor in Council of Bombay respectively, for the time being, to nominate and appoint, in the name of the King's Majesty, his heirs and successors, any persons resident within the territories aforesaid, and not being the subjects of any foreign state, whom the said Governor-General in Council and Governors in Council respectively shall think properly qualified, and who will bind themselves by such oaths or solemn affirmations as may from time to time be prescribed in that behalf by the said Governor-General in Council and Governors in Council respectively, to act within and for the towns of Calcutta, Madras, and Bombay respectively, as justices of the peace; and the persons so to be nominated and appointed to act as justices of the peace within and for the towns aforesaid shall have full power and authority to act as such justices of the peace, but according only to the tenor of the respective commissions wherein such persons shall be so nominated and appointed.

7 G. 4, c. 37, s. 3, repealed as to limitation of jurors to Christians.

II. And whereas by an Act passed in the seventh year of the reign of his late Majesty King George the Fourth, intituled, "An Act to regulate the Appointment of Juries in the "East-Indies," it is, amongst other things, provided and enacted, that the grand juries in all cases, and all juries for the trial of persons professing the Christian religion, shall consist wholly of persons professing the Christian religion: and whereas it is expedient to repeal such enactment; be it therefore enacted, that from and after the first day of July, one thousand eight hundred and thirty-two, the said recited provision and enactment shall be and the same is hereby repealed.

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3 & 4 GULIELMI IV. Cap. XLI.

An Act *for the better Administration of Justice in his Majesty's Privy Council.* [14*th August*, 1833.]

2 & 3 Wm. 4, c. 92.

25 H. 8, c. 19.

8 Eliz. c. 5.

Whereas by virtue of an Act passed in a session of Parliament of the second and third years of the reign of his present Majesty, intituled, "An Act for transferring the Powers of "the High Court of Delegates, both in Ecclesiastical and Maritime Causes, to his Majesty in "Council," it was enacted, that from and after the first day of February, one thousand eight hundred and thirty-three, it should be lawful for every person who might theretofore by virtue either of an Act passed in the twenty-fifth year of the reign of King Henry the Eighth, intituled, "The Submission of the Clergy and Restraint of Appeals," or of an Act passed in the eighth year of the reign of Queen Elizabeth, intituled, "For the avoiding of tedious "Suits in Civil and Marine Causes," have appealed or made suit to his Majesty in his High Court of Chancery, to appeal or make suit to the King's Majesty, his heirs or successors, in Council, within such time, in such manner, and subject to such rules, orders, and regulations for the due and more convenient proceeding, as should seem meet and necessary, and upon such security, if any, as his Majesty, his heirs and successors, should from time to time by order in Council direct; and whereas by Letters Patent under the great Seal of Great Britain certain persons, members of his Majesty's Privy Council, together with others, being Judges and Barons of his Majesty's Courts of Record at Westminster, have been from time to time

appointed to be his Majesty's Commissioners for receiving, hearing, and determining appeals from his Majesty's Courts of Admiralty in causes of prize: and whereas, from the decisions of various Courts of Judicature in the East-Indies, and in the plantations, colonies, and other dominions of his Majesty abroad, an appeal lies to his Majesty in Council: and whereas matters of appeal or petition to his Majesty in Council have usually been heard before a Committee of the whole of his Majesty's Privy Council, who have made a report to his Majesty in Council, whereupon the final judgment or determination hath been given by his Majesty: and whereas it is expedient to make certain provisions for the more effectual hearing and reporting on appeals to his Majesty in Council and on other matters, and to give such powers and jurisdiction to his Majesty in Council as hereinafter mentioned: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the President for the time being of his Majesty's Privy Council, the Lord High Chancellor of Great Britain for the time being, and such of the members of his Majesty's Privy Council as shall from time to time hold any of the offices following, that is to say, the office of Lord Keeper or First Lord Commissioner of the Great Seal of Great Britain, Lord Chief Justice or Judge of the Court of King's Bench, Master of the Rolls, Vice-Chancellor of England, Lord Chief Justice or Judge of the Court of Common Pleas, Lord Chief Baron, or Baron of the Court of Exchequer, Judge of the Prerogative Court of the Lord Archbishop of Canterbury, Judge of the High Court of Admiralty, and Chief Judge of the Court in Bankruptcy, and also all persons, members of his Majesty's Privy Council, who shall have been President thereof, or held the office of Lord Chancellor of Great Britain, or shall have held any of the other offices hereinbefore mentioned, shall form a committee of his Majesty's said Privy Council, and shall be styled, "The Judicial Committee of the Privy Council;" provided nevertheless, that it shall be lawful for his Majesty from time to time, as and when he shall think fit, by his sign manual, to appoint any two other persons, being privy councillors, to be members of the said Committee.

Certain persons to form a Committee, to be styled "The Judicial Committee of the Privy Council."

II. And be it further enacted, that from and after the first day of June, one thousand eight hundred and thirty-three, all appeals or applications in prize suits and in all other suits or proceedings in the Courts of Admiralty, or Vice-Admiralty Courts, or any other Court in the plantations in America, and other his Majesty's dominions or elsewhere abroad, which may now, by virtue of any law, statute, commission, or usage, be made to the High Court of Admiralty in England, or to the Lords Commissioners in prize cases, shall be made to his Majesty in Council, and not to the said High Court of Admiralty in England or to such Commissioners as aforesaid: and such appeals shall be made in the same manner and form and within such time wherein such appeals might, if this Act had not been passed, have been made to the said High Court of Admiralty or to the Lords Commissioners in prize cases respectively; and that all laws or statutes now in force with respect to any such appeals or applications, shall apply to any appeals to be made in pursuance of this Act to his Majesty in Council. (1)

Appeals from Vice-Admiralty Courts abroad, &c., to be made to the King in Council.

(1) [See 6 & 7 Vict. cap. 38.]

III. And be it further enacted, that all appeals or complaints in the nature of appeals whatever, which either by virtue of this Act, or of any law, statute, or custom, may be brought before his Majesty, or his Majesty in Council, from or in respect of the determination, sentence, rule, or order, of any Court, judge, or judicial officer, and all such appeals as are now pending and unheard, shall from and after the passing of this Act be referred by his

All appeals from sentence of any Judge, &c. to be referred by his Majesty to the Committee to report thereon.

Majesty (1) to the said Judicial Committee of his Privy Council, and that such appeals, causes, and matters shall be heard by the said Judicial Committee, and a report or recommendation thereon shall be made to his Majesty in Council for his decision thereon, as heretofore, in the same manner and form as has been heretofore the custom with respect to matters referred by his Majesty to the whole of his Privy Council, or a Committee thereof (the nature of such report or recommendation being always stated in open court).

(1) [See 7 & 8 Vict. cap. 69, sec. 9.]

No matter to be heard unless in presence of four members of the Committee.

V. And be it further enacted, that no matter shall be heard, nor shall any order, report, or recommendation be made by the said Judicial Committee, in pursuance of this Act, unless in the presence of at least four (1) members of the said Committee; and that no report or recommendation shall be made to his Majesty, unless a majority of the members of such Judicial Committee present at the hearing shall concur in such report or recommendation: provided always, that nothing herein contained shall prevent his Majesty, if he shall think fit, from summoning any other of the members of his said Privy Council to attend the meetings of the said Committee.

(1) [Under 6 & 7 Vict. cap. 38, her Majesty may order appeals to be heard by three members.]

Evidence may be taken *vivâ voce*, or upon written depositions.

VII. And be it enacted, that it shall be lawful for the said Judicial Committee, in any matter which shall be referred to such Committee, to examine witnesses by word of mouth (and either before or after examination by deposition), or to direct that the depositions of any witness shall be taken in writing by the registrar of the said Privy Council, to be appointed by his Majesty as hereinafter mentioned, or by such other person or persons, and in such manner, order, and course, as his Majesty in Council, or the said Judicial Committee, shall appoint and direct; and that the said registrar, and such other person or persons so to be appointed, shall have the same powers as are now possessed by an examiner of the High Court of Chancery, or of any Court ecclesiastical.

Committee may order any particular witnesses to be examined, and as to any particular facts, and may remit causes for rehearing.

VIII. And be it enacted, that in any matter which shall come before the said Judicial Committee, it shall be lawful for the said Committee to direct that such witnesses shall be examined or re-examined, and as to such facts as to the said Committee shall seem fit, notwithstanding any such witness may not have been examined, or no evidence may have been given on any such facts in a previous stage of the matter; and it shall also be lawful for his Majesty in Council, on the recommendation of the said Committee, upon any appeal, to remit the matter which shall be the subject of such appeal to the Court from the decision of which such appeal shall have been made, and at the same time to direct that such Court shall rehear such matter in such form, and either generally or upon certain points only, and upon such rehearing take such additional evidence, though before rejected, or reject such evidence before admitted, as his Majesty in Council shall direct; and further, on any such remitting or otherwise, it shall be lawful for his Majesty in Council to direct that one or more feigned issue or issues shall be tried in any Court in any of his Majesty's dominions abroad, for any purpose for which such issue or issues shall to his Majesty in Council seem proper.

Witnesses to be examined on oath, and to be liable to punishment for perjury.

IX. And be it enacted, that every witness who shall be examined in pursuance of this Act, shall give his or her evidence upon oath, or if a Quaker or Moravian (1) upon solemn affirmation, which oath and affirmation respectively shall be administered by the said Judicial

Committee and registrar, and by such other person or persons as his Majesty in Council, or the said Judicial Committee, shall appoint; and that every such witness who shall wilfully swear or affirm falsely, shall be deemed guilty of perjury, and shall be punished accordingly.

(1) [*Vide* 3 & 4 Wm. 4, cap. 49, as to Quakers and Moravians; 3 & 4 Wm. 4, cap. 82, as to Separatists; and 1 & 2 Vict. cap. 77, as to persons who have been Quakers or Moravians, but who have ceased to belong to those denominations. By 17 & 18 Vict. cap. 125, sec. 20, it is enacted that when any person manifests unwillingness from alleged conscientious motives to be sworn, the Court or Judge, upon being satisfied of the sincerity of the objection, may receive an affirmation or declaration. The Act relates to the Superior Courts of Common Law at Westminster, and the Superior Courts of Common Law in the counties palatine of Lancaster and Durham; but section 103 of the Act above quoted enacts that certain sections thereof, including section 20 just referred to, "shall apply and extend to "every Court of Civil Judicature in England and Ireland."]

X. And be it enacted, that it shall be lawful for the said Judicial Committee to direct one or more feigned issue or issues to be tried in any Court of common law, and either at bar, before a judge of assize, or at the sittings for the trial of issues in London or Middlesex, and either by a special or common jury, in like manner and for the same purpose as is now done by the High Court of Chancery.

Committee may direct an issue to try any fact;

XI. And be it enacted, that it shall be in the discretion of the said Judicial Committee to direct that, on the trial of any such issue, the depositions already taken of any witness who shall have died, or who shall be incapable to give oral testimony, shall be received in evidence; and further, that such deeds, evidences, and writings shall be produced, and that such facts shall be admitted, as to the said Committee shall seem fit.

may, in certain cases, direct depositions to be read at the trial of the issue;

XII. And be it enacted, that it shall be lawful for the said Judicial Committee to make such and the like orders respecting the admission of persons, whether parties or others, to be examined as witnesses upon the trial of any such issues as aforesaid, as the Lord High Chancellor or the Court of Chancery has been used to make respecting the admission of witnesses upon the trial of issues directed by the Lord Chancellor or the Court of Chancery.

may make such orders as to the admission of evidence as is made by the Court of Chancery;

XIII. And be it enacted, that it shall be lawful for the said Judicial Committee to direct one or more new trial or new trials of any issue, either generally or upon certain points only; and that in case any witness examined at a former trial of the same issue shall have died, or have, through bodily or mental disease or infirmity, become incapable to repeat his testimony, it shall be lawful for the said Committee to direct that parol evidence of the testimony of such witness shall be received.

and may direct new trials of issues.

XIV. And whereas by an Act passed in the thirteenth year of his late Majesty King George the Third, and intituled, "An Act for establishing certain Regulations for the "better Management of the Affairs of the East-India Company, as well in India as in "Europe," and by an Act passed in the first year of the reign of his present Majesty,

Powers, &c., of 13 G. 3, c. 63, and 1 Wm. 4, c. 22, with regard to examination of witnesses, applied to the Judicial Committee.

and intituled, "An Act to enable the Courts of Law to order the Examination of Witnesses "upon Interrogatories and otherwise," certain powers are given to certain Courts therein mentioned to enforce, and provisions are made for the examination of witnesses by commission, upon interrogatories and otherwise: be it therefore further enacted, that all the powers and provisions contained in the two last-mentioned Acts, or either of them, shall extend to and be exercised by the said Judicial Committee in all respects as if such Committee had been therein named as one of his Majesty's Courts of Law at Westminster.

Costs to be in the discretion of the Committee.

XV. And be it enacted, that the costs incurred in the prosecution of any appeal or matter referred to the said Judicial Committee, and of such issues as the same Committee shall under this Act direct, shall be paid by such party or parties, person or persons, and be taxed by the aforesaid registrar, or such other person or persons, to be appointed by his Majesty in Council or the said judicial Committee, and in such manner as the said Committee shall direct.(1)

(1) [By order of the Queen in Council, dated the 11th August, 1842, the fees on appeals are reduced, and provisions made for taxation. See also 6 & 7 Vict. cap. 38, sec. 12.]

Decrees to be enrolled.

XVI. And be it further enacted, that the orders or decrees of his Majesty in Council, made in pursuance of any recommendation of the said Judicial Committee, in any matter of appeal from the judgment or order of any Court or Judge, shall be enrolled, for safe custody, in such manner, and the same may be inspected and copies thereof taken under such regulations as his Majesty in Council shall direct.

Committee may refer matters to registrar in same manner as matters are by Court of Chancery referred to a Master.

XVII. And be it further enacted, that it shall be lawful for the said Committee to refer any matters to be examined and reported on to the aforesaid registrar, or to such other person or persons as shall be appointed by his Majesty in Council or by the said Judicial Committee, in the same manner and for the like purposes as matters are referred by the Court of Chancery to a Master of the said Court; and that for the purposes of this Act the said registrar and the said person or persons so to be appointed shall have the same powers and authorities as are now possessed by a Master in Chancery.

Attendance of witnesses, and production of papers, &c., may be compelled by subpœna.

XIX. And be it further enacted, that it shall be lawful for the President for the time being of the said Privy Council to require the attendance of any witnesses, and the production of any deeds, evidences, or writings, by writ to be issued by such President in such and the same form, or as nearly as may be, as that in which a writ of subpœna *ad testificandum* or of subpœna *duces tecum* is now issued by his Majesty's Court of King's Bench at Westminster; and that every person disobeying any such writ so to be issued by the said President shall be considered as in contempt of the said Judicial Committee, and shall also be liable to such and the same penalties and consequences as if such writ had issued out of the said Court of King's Bench, and may be sued for such penalties in the said Court.

Time of appealing.

XX. And be it further enacted, that all appeals to his Majesty in Council shall be made within such times respectively within which the same may now be made, where such time shall be fixed by any law or usage, and where no such law or usage shall exist, then within such time as shall be ordered by his Majesty in Council; and that, subject to any right subsisting under any charter or constitution of any colony or plantation, it shall be lawful for his Majesty in Council to alter any usage as to the time of making appeals, and to make any order respecting the time of appealing to his Majesty in Council.

XXI. And be it further enacted, that the order or decree of his Majesty in Council on any appeal from the order, sentence, or decree of any Court of justice in the East-Indies, or of any colony, plantation, or other his Majesty's dominions abroad, shall be carried into effect in such manner, and subject to such limitations and conditions, as his Majesty in Council shall, on the recommendation of the said Judicial Committee, direct; and it shall be lawful for his Majesty in Council, on such recommendation, by order, to direct that such Court of justice shall carry the same into effect accordingly, and thereupon such Court of justice shall have the same powers of carrying into effect and enforcing such order or decree, as are possessed by or are hereby given to his Majesty in Council: provided always, that nothing in this Act contained shall impeach or abridge the powers, jurisdiction, or authority of his Majesty's Privy Council as heretofore exercised by such Council, or in anywise alter the constitution or duties of the said Privy Council, except so far as the same are expressly altered by this Act, and for the purposes aforesaid.

Decrees for Courts abroad to be carried into effect as the King in Council shall direct.

Act not to abridge powers of Privy Council.

Section 22 enacted that in cases of appeal from the Courts of Sudder Dewanny Adawlut, in which no proceedings should have been taken for two years after the admission of the appeal by the Court in India, his Majesty might give directions to the East-India Company and others to bring such appeals to a hearing. By 8 & 9 Vict. cap. 30, the power is withdrawn as to appeals admitted by the Courts of Sudder Dewanny Adawlut after the 1st January, 1846.

XXIII. And be it enacted, that in any case where any order shall have been made on any such appeal as last aforesaid, the same shall have full force and effect notwithstanding the death of any of the parties interested therein; but that in all cases where any such appeal may have been withdrawn or discontinued, or any compromise made in respect of the matter in dispute, before the hearing thereof, then the determination of his Majesty in Council in respect of such appeal shall have no effect.

Orders made on such appeals to have effect notwithstanding death of parties, &c.

XXIV. And be it further enacted, that it shall be lawful for his Majesty in Council from time to time to make any such rules and orders as may be thought fit for the regulating the mode, form, and time of appeal to be made from the decisions of the said Courts of Sudder Dewanny Adawlut, or any other Courts of judicature in India or elsewhere to the eastward of the Cape of Good Hope (from the decisions of which an appeal lies to his Majesty in Council), and in like manner from time to time to make such other regulations for the preventing delays in the making or hearing such appeals, and as to the expenses attending the said appeals, and as to the amount or value of the property in respect of which any such appeal may be made.(1)

His Majesty empowered to make orders for regulating the mode, &c., of such appeals.

(1) [By an Order in Council, dated 10th April, 1838, the *minimum* amount for which an appeal from any Court in India may be preferred as a matter of right, is fixed at 10,000 Company's rupees.]

XXVIII. And be it enacted, that the said Judicial Committee shall have and enjoy in all respects such and the same power of punishing contempts and of compelling appearances, and that his Majesty in Council shall have and enjoy in all respects such and the same powers of nforcing judgments, decrees, and orders, as are now exercised by the High Court of

Power of enforcing decrees.

Chancery or the Court of King's Bench (and both *in personam* and *in rem*), or as are given to any Court Ecclesiastical by an Act of Parliament passed in the session of Parliament of the second and third years of the reign of his present Majesty, intituled, "An Act for "enforcing the Process upon Contempts in the Courts Ecclesiastical of England and "Ireland;" and that all such powers as are given to Courts Ecclesiastical, if of punishing contempts or of compelling appearances, shall be exercised by the said Judicial Committee, and if of enforcing decrees and orders, shall be exercised by his Majesty in Council, in such and the same manner as the powers in and by such Act of Parliament given, and shall be of as much force and effect as if the same had been thereby expressly given to the said Committee or to his Majesty in Council.

& 3 Wm. 4, c. 93.

Retired Judges attending the Judicial Committee to receive an allowance.

XXX. And be it enacted, that two members of his Majesty's Privy Council who shall have held the office of Judge in the East-Indies or any of his Majesty's dominions beyond the seas, and who, being appointed for that purpose by his Majesty, shall attend the sittings of the Judicial Committee of the Privy Council, shall severally be entitled to receive, over and above any annuity granted to them in respect of having held such office as aforesaid, the sum of four hundred pounds for every year during which they shall so attend as aforesaid, as an indemnity for the expense which they may thereby incur; and such sum of four hundred pounds shall be chargeable upon and paid out of the consolidated fund of the United Kingdom of Great Britain and Ireland.

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3 & 4 GULIELMI IV. Cap. XLIX.

An Act *to allow Quakers and Moravians to make Affirmation in all Cases where an Oath is or shall be required.*

[28*th August*, 1833.]

Whereas it is expedient and reasonable that the solemn affirmation of persons of the persuasion of the people called Quakers, and of Moravians, should be allowed in all cases where an oath is or shall be required; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that every person of the persuasion of the people called Quakers, and every Moravian, be permitted to make his or her solemn affirmation or declaration, instead of taking an oath, in all places and for all purposes whatsoever where an oath is or shall be required either by the common law or by any Act of Parliament already made or hereafter to be made, which said affirmation or declaration shall be of the same force and effect as if he or she had taken an oath in the usual form; and if any such person making such solemn affirmation or declaration shall be lawfully convicted wilfully, falsely, and corruptly to have affirmed or declared any matter or thing, which if the same had been in the usual form would have amounted to wilful and corrupt perjury, he or she shall incur the same penalties and forfeitures as by the laws and statutes of this realm are enacted against persons convicted of wilful and corrupt perjury, any law, statute, or custom to the contrary notwithstanding: provided always, that every such affirmation or declaration shall be in the words following; that is to say,

Quakers and Moravians permitted to make a solemn affirmation or declaration instead of an oath.

Penalty on affirming or declaring falsely.

"I, *A. B.*, being one of the people called Quakers [or one of the persuasion of the "people called Quakers, or of the United Brethren called Moravians, as the case may "be], do solemnly, sincerely, and truly declare and affirm." Form of declaration.

The 3 & 4 Wm. 4, cap. 82, allows the people called "Separatists" to make a solemn affirmation and declaration instead of an oath. The 1 & 2 Vict. cap. 77, permits an affirmation to be made instead of an oath by persons having been Quakers or Moravians, although they may have ceased to belong to those denominations.

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3 & 4 GULIELMI IV. Cap. LXXIII.

An Act *for the Abolition of Slavery throughout the British Colonies; for promoting the Industry of the manumitted Slaves; and for Compensating the Persons hitherto entitled to the Services of such Slaves.* [28*th August*, 1833.]

The following section of this Act is the only one requiring notice.

LXIV. And be it further enacted, that nothing in this Act contained doth or shall extend to any of the territories in the possession of the East-India Company, or to the island of Ceylon, or to the island of Saint Helena. Act not to extend to East-Indies, &c.

The Act of the Government of India, No. 5 of 1843, which denies the sanction of the law to any claim to property in the person and services of another, and protects the property and persons of alleged slaves, may be regarded as having virtually abolished slavery throughout the territories under the East-India Company.

3 & 4 GULIELMI IV. Cap. LXXXII.

An Act *to allow the People called Separatists to make a solemn Affirmation and Declaration instead of an Oath.*

[*28th August*, 1833.]

Separatists, instead of an oath, may make affirmation.

Whereas there are in various places in Ireland, and in some parts of England, and elsewhere, certain Dissenters from the United Church of England and Ireland and from the Church of Scotland, commonly called Separatists, the members of which class or sect of Dissenters, from conscientious scruples, refuse to take an oath in Courts of justice and other places, and in consequence thereof are exposed to great losses and inconveniences in their trades and concerns, and are subject to fines and to imprisonment for contempt of Court, and the community at large are deprived of the benefit of their testimony: and whereas it is therefore expedient that the said sect called Separatists should be relieved in manner hereinafter mentioned; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that every person for the time being belonging to the said sect called Separatists, who shall be required upon any lawful occasion to take an oath in any case where by law an oath is or may be required, shall, instead of the usual form, be permitted to make his or her solemn affirmation or declaration in these words following: *videlicet*,

> "I, *A. B.*, do, in the presence of Almighty God, solemnly, sincerely, and truly affirm "and declare that I am a member of the religious sect called Separatists, and that "the taking of any oath is contrary to my religious belief, as well as essentially "opposed to the tenets of that sect; and I do also in the same solemn manner "affirm and declare."

Such affirmation shall have the effect of an oath.

Which said solemn affirmation or declaration shall be adjudged and taken, and is hereby enacted and declared to be of the same force and effect, to all intents and purposes, in all Courts of justice and other places whatsoever, where by law an oath is or may be required, as if such Separatists had taken an oath in the usual form.

Persons making a false affirmation to be subject to the same punishment as for perjury.

II. And be it further enacted, that if any person making such solemn affirmation or declaration shall in fact not be one of the people commonly called Separatists, or shall wilfully, falsely, and corruptly affirm or declare any other matter or thing which if the same had been sworn in the usual form would have amounted to wilful and corrupt perjury, every such person so offending shall incur the same penalties and forfeitures as by the laws and statutes of this kingdom are or may be enacted or provided against persons convicted of wilful and corrupt perjury.

Vide 3 & 4 Wm. 4, cap. 49, and 1 & 2 Vict. cap. 77, as to Quakers and Moravians, and persons having been such.

3 & 4 GULIELMI IV. Cap. LXXXV.

An Act *for effecting an Arrangement with the East-India Company, and for the better Government of his Majesty's Indian Territories, till the Thirtieth day of April, one thousand eight hundred and fifty-four.* [28*th August*, 1833.]

Whereas by an Act passed in the fifty-third year of the reign of his Majesty King George the Third, intituled, "An Act for continuing in the East-India Company for a further Term "the Possession of the British Territories in India, together with certain exclusive Privileges; "for establishing further Regulations for the Government of the said Territories, and the "better Administration of Justice within the same; and for Regulating the Trade to and "from the Places within the Limits of the said Company's Charter," the possession and government of the British territories in India were continued in the United Company of Merchants of England trading to the East-Indies for a term therein mentioned: and whereas the said Company are entitled to or claim the lordships and islands of St. Helena and Bombay under grants from the Crown, and other property to a large amount in value, and also certain rights and privileges not affected by the determination of the term granted by the said recited Act: and whereas the said Company have consented that all their rights and interests to or in the said territories, and all their territorial and commercial, real and personal assets and property whatsoever, shall, subject to the debts and liabilities now affecting the same, be placed at the disposal of Parliament in consideration of certain provisions hereinafter mentioned, and have also consented that their right to trade for their own profit in common with other his Majesty's subjects be suspended during such time as the Government of the said territories shall be confided to them: and whereas it is expedient that the said territories now under the government of the said Company be continued under such government, but in trust for the Crown of the United Kingdom of Great Britain and Ireland, and discharged of all claims of the said Company to any profit therefrom to their own use, except the dividend hereinafter secured to them, and that the property of the said Company be continued in their possession and at their disposal, in trust for the Crown, for the service of the said Government, and other purposes in this Act mentioned: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the twenty-second day of April, one thousand eight hundred and thirty-four, the territorial acquisitions and revenues mentioned or referred to in the said Act of the fifty-third year of his late Majesty King George the Third, together with the port and island of Bombay, and all other territories now in the possession and under the government of the said Company, except the island of St. Helena, shall remain and continue under such government until the thirtieth day of April, one thousand eight hundred and fifty-four: and that all the lands and hereditaments, revenues, rents, and profits of the said Company, and all the stores, merchandise, chattels, monies, debts, and real and personal estate whatsoever, except the said island of St. Helena, and the stores and property thereon hereinafter mentioned, subject to the debts and liabilities now affecting the same respectively, and the benefit of all contracts, covenants, and engagements, and all rights to fines, penalties, and forfeitures, and other emoluments whatsoever, which the said Company shall be seised or possessed of, or entitled

53 G. 3, c. 155.

The British territories in India to remain under the government of the Company till 30th April, 1854.

Real and personal property of the Company to be held in trust for the Crown, for the service of India.

unto, on the said twenty-second day of April, one thousand eight hundred and thirty-four, shall remain and be vested in, and be held, received, and exercised respectively, according to the nature and quality, estate and interest of and in the same respectively, by the said Company, in trust for his Majesty, his heirs and successors, for the service of the Government of India, discharged of all claims of the said Company to any profit or advantage therefrom, to their own use, except the dividend on their capital stock, secured to them as hereinafter is mentioned, subject to such powers and authorities for the superintendence, direction, and control over the acts, operations, and concerns of the said Company as have been already made or provided by any Act or Acts of Parliament in that behalf, or are made or provided by this Act.

All privileges, powers, &c., granted by 53 G. 3, c. 155, for the term thereby limited; and all enactments not repugnant to this Act; as also all rights and immunities of the Company, to be in force until April, 1854, subject to control.

II. And be it enacted, that all and singular the privileges, franchises, abilities, capacities, powers, authorities, whether military or civil, rights, remedies, methods of suit, penalties, forfeitures, disabilities, provisions, matters, and things whatsoever, granted to or continued in the said United Company by the said Act of the fifty-third year of King George the Third, for and during the term limited by the said Act, and all other the enactments, provisions, matters, and things contained in the said Act, or in any other Act or Acts whatsoever which are limited, or may be construed to be limited, to continue for and during the term granted to the said Company by the said Act of the fifty-third year of King George the Third, so far as the same or any of them are in force and not repealed by or repugnant to the enactments hereinafter contained, and all powers of alienation and disposition, rights, franchises, and immunities, which the said United Company now have, shall continue and be in force, and may be exercised and enjoyed, as against all persons whomsoever, subject to the superintendence, direction, and control hereinbefore mentioned, until the thirtieth day of April, one thousand eight hundred and fifty-four.

From 22nd April, 1834, China and tea trade of Company to cease.

III. Provided always, and be it enacted, that from and after the said twenty-second day of April, one thousand eight hundred and thirty-four, the exclusive right of trading with the dominions of the Emperor of China, and of trading in tea, continued to the said Company by the said Act of the fifty-third year of King George the Third, shall cease.

Company to close their commercial business, and to sell their property not retained for Government.

IV. And be it enacted, that the said Company shall, with all convenient speed after the said twenty-second day of April, one thousand eight hundred and thirty-four, close their commercial business, and make sale of all their merchandise, stores, and effects at home and abroad, distinguished in their account-books as commercial assets, and all their warehouses, lands, tenements, hereditaments, and property whatsoever which may not be retained for the purposes of the Government of the said territories, and get in all debts due to them on account of the commercial branch of their affairs, and reduce their commercial establishments as the same shall become unnecessary, and discontinue and abstain from all commercial business which shall not be incident to the closing of their actual concerns, and to the conversion into money of the property hereinbefore directed to be sold, or which shall not be carried on for the purpose of the said Government.

Company not prevented selling goods the property of other persons.

V. Provided always, and be it enacted, that nothing herein contained shall prevent the said Company from selling, at the sales of their own goods and merchandise by this Act directed or authorized to be made, such goods and merchandise the property of other persons as they may now lawfully sell at their public sales.

Board of Control to superintend the sale of the property, the re-

VI. And be it enacted, that the Board of Commissioners for the Affairs of India shall have full power to superintend, direct, and control the sale of the said merchandise, stores, and

effects, and other property hereinbefore directed to be sold, and to determine from time to time, until the said property shall be converted into money, what parts of the said commercial establishments shall be continued and reduced respectively, and to control the allowance and payment of all claims upon the said Company connected with the commercial branch of their affairs, and generally to superintend and control all acts and operations whatsoever of the said Company whereby the value of the property of the said Company may be affected; and the said Board shall and may appoint such officers as shall be necessary to attend upon the said Board during the winding up of the commercial business of the said Company; and that the charge of such salaries or allowances as his Majesty shall, by any warrant or warrants under his sign manual, countersigned by the Chancellor of the Exchequer for the time being, direct to be paid to such officers, shall be defrayed by the said Company, as hereinafter mentioned, in addition to the ordinary charges of the said Board.

duction of the commercial establishments, payment of commercial claims, &c.

Board to appoint officers to attend them during the winding up of the commercial business.

VII. And be it enacted, that it shall be lawful for the said Company to take into consideration the claims of any persons now or heretofore employed by or under the said Company, or the widows and children of any such persons, whose interests may be affected by the discontinuance of the said Company's trade, or who may from time to time be reduced, and, under the control of the said Board, to grant such compensations, superannuations, or allowances (the charge thereof to be defrayed by the said Company as hereinafter mentioned) as shall appear reasonable: provided always, that no such compensations, superannuations, or allowances shall be granted until the expiration of two calendar months after particulars of the compensation, superannuation, or allowance proposed to be so granted shall have been laid before both Houses of Parliament.

The Company may consider claims of commercial officers reduced; and, under the control of the Board, grant compensations.

VIII. Provided always, and be it enacted, that within the first fourteen sitting days after the first meeting of Parliament in every year there be laid before both Houses of Parliament the particulars of all compensations, superannuations, and allowances so granted, and of the salaries and allowances directed to be paid to such officers as may be appointed by the said Board as aforesaid during the preceding year.

The particulars thereof to be laid before Parliament every year.

IX. And be it enacted, that from and after the said twenty-second day of April, one thousand eight hundred and thirty-four, all the bond debt of the said Company in Great Britain, and all the territorial debt of the said Company in India, and all other debts which shall on that day be owing by the said Company, and all sums of money, costs, charges, and expenses, which after the said twenty-second day of April, one thousand eight hundred and thirty-four, may become payable by the said Company in respect or by reason of any covenants, contracts, or liabilities then existing, and all debts, expenses, and liabilities whatever, which after the same day shall be lawfully contracted and incurred on account of the Government of the said territories, and all payments by this Act directed to be made, shall be charged and chargeable upon the revenues of the said territories; and that neither any stock or effects which the said Company may hereafter have to their own use, nor the dividend by this Act secured to them, nor the Directors or proprietors of the said Company, shall be liable to or chargeable with any of the said debts, payments, or liabilities.

Company's debts and liabilities charged on India.

X. Provided always, and be it enacted, that so long as the possession and government of the said territories shall be continued to the said Company, all persons and bodies politic shall and may have and take the same suits, remedies, and proceedings, legal and equitable, against the said Company, in respect of such debts and liabilities as aforesaid, and the property vested in the said Company in trust as aforesaid shall be subject and liable to the same judgments

While India is under government of the Company, their property to continue subject to execution.

and executions, in the same manner and form respectively as if the said property were hereby continued to the said Company to their own use.

A dividend of 10*l.* 10*s.* per cent. per annum to be paid on Company's stock by half-yearly payments in Great Britain.

XI. And be it enacted, that out of the revenues of the said territories there shall be paid to or retained by the said Company, to their own use, a yearly dividend after the rate of ten pounds ten shillings per centum per annum on the present amount of their capital stock (1); the said dividend to be payable in Great Britain, by equal half-yearly payments, on the sixth day of January and the sixth day of July in every year; the first half-yearly payment to be made on the sixth day of July, one thousand eight hundred and thirty-four.

(1) [The original capital of the English Company trading to the East-Indies was £2,000,000. The 6th Anne, cap. 17 (under which the union of the two Companies was effected), authorized an increase of £1,200,000 to be raised by additional subscriptions of the Proprietors. This addition was made for the purpose of granting a loan to the Crown, and very stringent proceedings were prescribed with respect to those proprietors who refused or neglected to pay up their quota of the additional subscription. By 26 Geo. 3, cap. 62, a further addition of £800,000 was sanctioned, and it was provided that the new stock might be subscribed at the rate of £160 per cent. The 29 Geo. 3, cap. 65, empowered the Company again to increase their capital stock by an addition of £1,000,000, and provision was granted to receive subscriptions for the increased amount at the rate of £170 per cent. A further extension took place under 33 Geo. 3, cap. 47, to the amount of £1,000,000, which was allowed to be raised at the rate of £200 per cent. The 37 Geo. 3, cap. 31, authorized an addition of £2,000,000. No increase of capital, however, took place under that Act, and the Company were permitted by 47 Geo. 3, cap. 41, to raise the required sum on bond. The amount of capital stock thus remained at £6,000,000; of which, as has been shown, £800,000 was subscribed at a premium of 60 per cent., £1,000,000 at a premium of 70 per cent., and £1,000,000 at a premium of 100 per cent. The dividend secured on the suspension of the Company's trade is at the same rate as that paid without interruption from the year 1793, and which had been confirmed by 33 Geo. 3, cap. 52, and 53 Geo. 3, cap. 155.]

Dividend to be subject to redemption by Parliament after April, 1874, on payment of £200 for £100 stock.

XII. Provided always, and be it enacted, that the said dividend shall be subject to redemption by Parliament upon and at any time after the thirtieth day of April, one thousand eight hundred and seventy-four, on payment to the Company of two hundred pounds sterling for every one hundred pounds of the said capital stock, together with a proportionate part of the same dividend, if the redemption shall take place on any other day than one of

the said half-yearly days of payment: provided also, that twelve months' notice in writing, signified by the Speaker of the House of Commons by the order of the House, shall be given to the said Company of the intention of Parliament to redeem the said dividend.

Notice of redemption.

XIII. Provided always, and be it enacted, that if on or at any time after the said thirtieth day of April, one thousand eight hundred and fifty-four, the said Company shall by the expiration of the term hereby granted, cease to retain, or shall by the authority of Parliament be deprived of the possession and government of the said territories, it shall be lawful for the said Company, within one year thereafter to demand the redemption of the said dividend, and provision shall be made for redeeming the said dividend, after the rate aforesaid, within three years after such demand.

If Company deprived of the government of India, they may demand redemption of the dividend.

XIV. And be it enacted, that there shall be paid by the said Company into the Bank of England, to the account of the Commissioners for the Reduction of the National Debt, such sums of money as shall in the whole amount to the sum of two millions sterling, with compound interest after the rate of three pounds ten shillings per centum per annum, computed half-yearly, from the said twenty-second day of April, one thousand eight hundred and thirty-four, on so much of the said sums as shall from time to time remain unpaid; and the cashiers of the said Bank shall receive all such sums of money, and place the same to a separate account with the said Commissioners, to be intituled, "The Account of the "Security Fund of the India Company;" and that as well the monies so paid into the said Bank as the dividends or interest which shall arise therefrom, shall from time to time be laid out under the direction of the said Commissioners, in the purchase of capital stock in any of the redeemable Public Annuities, transferable at the Bank of England; which capital stock so purchased shall be invested in the names of the said Commissioners on account of the said Security Fund, and the dividends payable thereon shall be received by the said cashiers and placed to the said account, until the whole of the sums so received on such account shall have amounted to the sum of twelve millions sterling: and the said monies, stock, and dividends, or interest, shall be a Security Fund for better securing to the said Company the redemption of their said dividend after the rate hereinbefore appointed for such redemption.

Company to pay to Commissioners for Reduction of National Debt, £2,000,000;

to be placed to account of Security Fund of the Company.

Monies and dividends to be laid out in securities, and dividends placed to the same account, until the whole amounts to twelve millions.

XV. Provided always, and be it enacted, that it shall be lawful for the said Commissioners for the Reduction of the National Debt from time to time, and they are hereby required, upon requisition made for that purpose by the Court of Directors of the said Company, to raise and pay to the said Company such sums of money as may be necessary for the payment of the said Company's dividend by reason of any failure or delay of the remittances of the proper funds for such payment; such sums of money to be raised by sale or transfer or deposit by way of mortgage of a competent part of the said Security Fund, according as the said Directors, with the approbation of the said Board, shall direct: to be repaid into the Bank of England to the account of the Security Fund, with interest after such rate as the Court of Directors, with the approbation of the said Board, shall fix, out of the remittances which shall be made for answering such dividend, as and when such remittances shall be received in England.

Commissioners for Reduction of National Debt, upon requisition of Court, may raise money for paying the dividend in case of failure or delay of remittance of proper funds.

XVI. Provided always, and be it enacted, that all dividends on the capital stock forming the said Security Fund, accruing after the monies received by the said Bank to the account of such fund shall have amounted to the sum of twelve millions sterling, until the said fund shall be applied to the redemption of the said Company's dividend, and also all the said

Application of dividends of Security Fund, and the fund itself in aid of revenues.

Security Fund, or so much thereof as shall remain after the said dividend shall be wholly redeemed after the rate aforesaid, shall be applied in aid of the revenues of the said territories.

Company's dividends to be paid out of revenues in preference to other charges, and £2,000,000 to be paid out of debt due from the public, and by sale of stock.

XVII. And be it enacted, that the said dividend on the Company's capital stock shall be paid or retained as aforesaid out of such part of the revenues of the said territories as shall be remitted to Great Britain, in preference to all other charges payable thereout in Great Britain; and that the said sum of two millions sterling shall be paid in manner aforesaid out of any sums which shall on the said twenty-second day of April, one thousand eight hundred and thirty-four, be due to the said Company from the public as and when the same shall be received, and out of any monies which shall arise from the sale of any government stock on that day belonging to the said Company, in preference to all other payments thereout: and that, subject to such provisions for priority of charge, the revenues of the said territories, and all monies which shall belong to the said Company on the said twenty-second day of April, one thousand eight hundred and thirty-four, and all monies which shall be thereafter received by the said Company from and in respect of the property and rights vested in them in trust as aforesaid, shall be applied to the service of the Government of the said territories and in defraying all charges and payments by this Act created, or confirmed and directed to be made respectively, in such order as the said Court of Directors, under the control of the said Board, shall from time to time direct; any thing in any other Act or Acts contained to the contrary notwithstanding.

Subject to such priorities, revenues, and monies to be applied to service of India and purposes of this Act, under control.

Not to prejudice persons claiming under a covenant between the Company and the creditors of the Nabobs of Arcot, &c.

XVIII. Provided also, and be it enacted, that nothing herein contained shall be construed or operate to the prejudice of any persons claiming or to claim under a deed of covenant dated the tenth day of July, one thousand eight hundred and five, and made between the said Company of the one part, and the several persons whose hands should be thereto set and affixed, and who respectively were or claimed to be creditors of his Highness the Nabob Wallah Jah, formerly nabob of Arcot and of the Carnatic in the East-Indies, and now deceased, and of his Highness the Nabob Omduh ul Omrah, late nabob of Arcot and of the Carnatic, and now also deceased, and of his Highness the Ameer ul Omrah, of the other part.

His Majesty may appoint Commissioners for the Affairs of India.

XIX. And be it enacted, that it shall and may be lawful for his Majesty by any Letters Patent, or by any commission or commissions to be issued under the Great Seal of Great Britain, from time to time to nominate, constitute, and appoint, during pleasure, such persons as his Majesty shall think fit to be, and who shall accordingly be and be styled Commissioners for the Affairs of India; and every enactment, provision, matter, and thing relating to the Commissioners for the Affairs of India in any other Act or Acts contained, so far as the same are in force and not repealed by or repugnant to this Act, shall be deemed and taken to be applicable to the Commissioners to be nominated as aforesaid.

Ex-officio Commissioners.

XX. And be it enacted, that the Lord President of the Council, the Lord Privy Seal, the First Lord of the Treasury, the principal Secretaries of State, and the Chancellor of the Exchequer, for the time being shall, by virtue of their respective offices, be and they are hereby declared to be Commissioners for the Affairs of India, in conjunction with the persons to be nominated in any such commission as aforesaid, and they shall have the same powers respectively as if they had been expressly nominated in such commission, in the order in which they are herein mentioned, next after the Commissioner first named therein.

Two Commissioners may form a Board;

XXI. And be it enacted, that any two or more of the said Commissioners shall and may form a Board for executing the several powers which by this Act, or by any other Act or

Acts, are or shall be given to or vested in the Commissioners for the Affairs of India; and that the Commissioner first named in any such Letters Patent or Commission, for the time being shall be the President of the said Board; and that when any Board shall be formed in the absence of the President, the Commissioner next in order of nomination in this Act or in the said Commission, of those who shall be present, shall for that turn preside at the said Board.

first-named to be president; in his absence, the next in order.

XXII. And be it enacted, that if the Commissioners present at any Board shall be equally divided in opinion with respect to any matter by them discussed, then and on every such occasion the President, or in his absence the Commissioner acting as such, shall have two voices or the casting vote.

President and occasional president to have the casting vote.

XXIII. And be it enacted, that the said Board shall and may nominate and appoint two secretaries, and such other officers as shall be necessary, to attend upon the said Board, who shall be subject to dismission at the pleasure of the said Board; and each of the said secretaries shall have the same powers, rights, and privileges as by any Act or Acts now in force are vested in the chief secretary of the Commissioners for the Affairs of India; and that the President of the said Board, but no other Commissioner as such, and the said secretaries and other officers, shall be paid by the said Company such fixed salaries as his Majesty shall, by any warrant or warrants under his sign manual, countersigned by the Chancellor of the Exchequer for the time being, direct.(1)

The Board to appoint two secretaries and other officers.

President, secretaries, and officers to be paid such salaries as the Crown shall direct.

(1) [By 16 & 17 Vict. cap. 95, sec. 33, it is enacted that the salary of the President shall in no case be less than that paid to one of the principal Secretaries of State; and by the same section, that one only of the Secretaries shall be capable of sitting in Parliament. Provisions relating to the constitution, duties, and expenses of the Board, will be found in 33 Geo. 3, cap. 52, secs. 5, 6, and 8; in 53 Geo. 3, cap. 155, secs. 90, 91, and 92; and in 16 & 17 Vict. cap. 95, secs. 29, 38, 39, 40, and 42.]

XXIV. And be it enacted, that if at any time the said Board shall deem it expedient to require their secretaries and other officers of the said Board, or any of them, to take an oath of secrecy, and for the execution of the duties of their respective stations, it shall be lawful for the said Board to administer such oath as they shall frame for the purpose.

Secretaries and officers to take oaths, if required by the Board.

XXV. And be it enacted, that the said Board shall have and be invested with full power and authority to superintend, direct, and control all acts, operations, and concerns of the said Company which in anywise relate to or concern the government or revenues of the said territories, or the property hereby vested in the said Company in trust as aforesaid, and all grants of salaries, gratuities, and allowances, and all other payments and charges whatever, out of or upon the said revenues and property respectively, except as hereinafter is mentioned. (1)

The Board of Commissioners to control all acts concerning India, and the sale of property.

(1) [*Vide* secs. 37 and 110 of this Act; also 28 Geo. 3, cap. 8, secs. 3 and 4, and 33 Geo. 3, cap. 52, secs. 17 and 18.]

Commissioners, secretaries, and officers, on 22nd April, 1834, to continue until their appointments are revoked.

XXVI. And be it enacted, that the several persons who on the said twenty-second day of April, one thousand eight hundred and thirty-four, shall be Commissioners for the Affairs of India, and secretaries and officers of such Board of Commissioners, shall continue and be Commissioners for the Affairs of India, and secretaries and officers of the said Board respectively, with the same powers and subject to the same restrictions as to salaries as if they had been appointed by virtue of this Act, until by the issuing of new patents, commissions, or otherwise, their appointments shall be respectively revoked.

Proprietors may vote by attorney in election of Directors.

XXVII. And be it enacted, that if, upon the occasion of taking any ballot on the election of a Director or Directors of the said Company, any proprietor, who shall be resident within the United Kingdom, shall, by reason of absence, illness, or otherwise, be desirous of voting by letter of attorney, he shall be at liberty so to do, provided that such letter of attorney shall in every case express the name or names of the candidate or candidates for whom such proprietor shall be so desirous of voting, and shall be executed within ten days next before such election; and the attorney constituted for such purpose shall in every case deliver the vote he is so directed to give openly to the person or persons who shall be authorized by the said Company to receive the same; and every such vote shall be accompanied by an affidavit or affirmation to be made before a justice of the peace by the proprietor, directing the same so to be given, to the same or the like effect as the oath or affirmation now taken by proprietors voting upon ballots at general Courts of the said Company, and in which such proprietor shall also state the day of the execution of such letter of attorney: and any person making a false oath or affirmation before a justice of peace for the purpose aforesaid shall be held to have thereby committed wilful perjury; and if any person do unlawfully or corruptly procure or suborn any other person to take the said oath or affirmation before a justice of the peace as aforesaid, whereby he or she shall commit such wilful perjury, and shall thereof be convicted, he, she, or they, for every such offence, shall incur such pains and penalties as are provided by law against subornation of perjury. (1)

(1) [Letters of attorney exempted from stamp duties, by 5 & 6 Wm. 4, cap. 64, sec. 6. Affidavit dispensed with and declaration substituted by By-law of the Company.]

Repeal of restriction in 13 G. 3, c. 63, with respect to any person employed in the East-Indies being chosen Director.

XXVIII. And be it enacted, that so much of the Act of the thirteenth year of the reign of King George the Third, intituled, "An Act for establishing certain Regulations for "the better Management of the Affairs of the East-India Company as well in India as in "Europe," as enacts that no person employed in any civil or military station in the East-Indies, or claiming or exercising any power, authority, or jurisdiction therein, shall be capable of being appointed or chosen into the office of Director until such person shall have returned to and been resident in England for the space of two years, shall be and is hereby repealed: provided, that if the said Court of Directors, with the consent of the said Board, shall declare such person to be an accountant with the said Company, and that his accounts are unsettled, or that a charge against such person is under the consideration of the said Court, such person shall not be capable of being chosen into the office of Director for the term of two years after his return to England, unless such accounts shall be settled, or such charge be decided on, before the expiration of the said term.

If such person has unsettled accounts, he shall be ineligible for two years, unless they are sooner settled.

Court to deliver to Board copies of minutes, &c., of Courts of Proprietors and

XXIX. And be it further enacted, that the said Court of Directors shall from time to time deliver to the said Board copies of all minutes, orders, resolutions, and proceedings of all Courts of Proprietors, general or special, and of all Courts of Directors, within eight days after

the holding of such Courts respectively, and also copies of all letters, advices, and despatches whatever, which shall at any time or times be received by the said Court of Directors, or any Committee of Directors, and which shall be material to be communicated to the said Board, or which the said Board shall from time to time require. (1)

Directors, and of all material letters and despatches.

(1) [*Vide* section 34.]

XXX. And be it enacted, that no orders, instructions, despatches, official letters, or communications whatever, relating to the said territories or the government thereof, or to the property or rights vested in the said Company in trust as aforesaid, or to any public matters whatever, shall be at any time sent or given by the said Court of Directors or any Committee of the said Directors, until the same shall have been submitted for the consideration of and approved by the said Board; and for that purpose that copies of all such orders, instructions, despatches, official letters, or communications which the said Court of Directors, or any Committee of the said Directors, shall propose to be sent or given, shall be by them previously laid before the said Board, and that within the space of two months after the receipt of such proposed orders, instructions, despatches, official letters, or communications, the said Board shall either return the same to the said Court of Directors or Committee of Directors, with their approbation thereof, signified under the hand of one of the secretaries of the said Board, by the order of the said Board; or if the said Board shall disapprove, alter, or vary in substance any of such proposed orders, instructions, despatches, official letters, or communications, in every such case the said Board shall give to the said Directors, in writing, under the hand of one of the secretaries of the said Board, by order of the said Board, their reason in respect thereof, together with their directions to the said Directors in relation thereto; and the said Directors shall and they are hereby required forthwith to send the said orders, instructions, despatches, official letters, or communications, in the form approved by the said Board, to their proper destinations: provided always, that it shall be lawful for the said Board, by minutes from time to time to be made for that purpose and entered on the records of the said Board, and to be communicated to the said Court, to allow such classes of orders, instructions, despatches, official letters, or communications as shall in such minutes be described, to be sent or given by the said Court without having been previously laid before the said Board.

No official communication to be sent by the Court until approved by the Board;

except such classes of communications as the Board may allow.

XXXI. And be it enacted, that whenever the said Court of Directors shall omit to prepare and submit for the consideration of the said Board any orders, instructions, despatches, official letters, or communications, beyond the space of fourteen days after requisition made to them by order of the said Board, it shall and may be lawful to and for the said Board to prepare and send to the said Directors any orders, instructions, despatches, official letters, or communications, together with their directions relating thereto; and the said Directors shall and they are hereby required forthwith to transmit the same to their proper destinations.

If the Court omit to frame official communications for consideration of the Board, they may prepare them.

Court to send them.

XXXII. Provided always, and be it enacted, that nothing herein contained shall extend, or be construed to extend, to restrict or prohibit the said Directors from expressing, within fourteen days, by representation in writing to the said Board, such remarks, observations, or explanations as they shall think fit touching or concerning any directions which they shall receive from the said Board; and that the said Board shall and they are hereby required to take every such representation, and the several matters therein contained or alleged, into their consideration, and to give such further directions thereupon as they shall think fit and expedient, which shall be final and conclusive upon the said Directors.

Representations may be made by Court as to official communications; and Board to consider such representations, and give final orders.

If Court think the orders of Board contrary to law, the Court of King's Bench may certify their opinion on any case which may be agreed upon; such opinion to be conclusive.

XXXIII. And be it enacted, that if it shall appear to the said Court of Directors that any orders, instructions, despatches, official letters, or communications, except such as shall pass through the Secret Committee, upon which directions may be so given by the said Board as aforesaid, are contrary to law, it shall be in the power of the said Board and the said Court of Directors to send a special case, to be agreed upon by and between them, and to be signed by the President of the said Board and the Chairman of the said Company, to three or more of the judges of his Majesty's Court of King's Bench, for the opinion of the said judges; and the said judges are hereby required to certify their opinion upon any case so submitted to them, and to send a certificate thereof to the said President and Chairman; which opinion shall be final and conclusive.

Board not empowered to appoint officers of the Company, or to interfere with home officers.

XXXIV. Provided always, and be it enacted and declared, that the said Board shall not have the power of appointing any of the servants of the said Company, or of directing or interfering with the officers and servants of the said Company (1), employed in the home establishment, nor shall it be necessary for the said Court of Directors to submit for the consideration of the said Board their communications with the officers or servants employed in their said home establishment, or with the legal advisers of the said Company.

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 14.]

Directors to appoint a Secret Committee, who shall take the following oath.

XXXV. And be it enacted, that the said Court of Directors shall from time to time appoint a Secret Committee, to consist of any number not exceeding three of the said Directors, for the particular purposes in this Act specified; which said Directors so appointed shall, before they or any of them shall act in the execution of the powers and trusts hereby reposed in them, take an oath of the tenor following; (that is to say,)

"I, *A.B.*, do swear, that I will, according to the best of my skill and judgment, faith-
" fully execute the several trusts and powers reposed in me as a member of the Secret
" Committee appointed by the Court of Directors of the India Company; I will not dis-
" close or make known any of the secret orders, instructions, despatches, official letters or
" communications which shall be sent or given to me by the Commissioners for the Affairs
" of India, save only to the other members of the said Secret Committee, or to the person
" or persons who shall be duly nominated and employed in transcribing or preparing the
" same respectively, unless I shall be authorized by the said Commissioners to disclose
" and make known the same.

"So help me God."

Which said oath shall and may be administered by the several and respective members of the said Secret Committee to each other; and, being so by them taken and subscribed, shall be recorded by the secretary or deputy secretary of the said Court of Directors for the time being amongst the acts of the said Court. (1)

(1) [*Vide* 53 Geo. 3, cap. 155, sec. 74.]

If the Board are of opinion that any matters wherein Indian or other states are concerned require secrecy, the Board may send official communications through Secret Committee.

XXXVI. Provided also, and be it enacted, that if the said Board shall be of opinion that the subject matter of any of their deliberations concerning the levying war or making peace, or treating or negotiating with any of the native princes or states in India, or with any other princes or states, or touching the policy to be observed with respect to such princes or states, intended to be communicated in orders, despatches, official letters, or communications, to any of the Governments or presidencies in India, or to any officers or servants of the said Company, shall be of a nature to require secrecy, it shall and may be lawful for the said

Board to send their orders, despatches, official letters or communications, to the Secret Committee of the said Court of Directors to be appointed as is by this Act directed, who shall thereupon, without disclosing the same, transmit the same according to the tenor thereof, or pursuant to the directions of the said Board, to the respective Governments and presidencies, officers and servants; and that the said Governments and presidencies, officers and servants, shall be bound to pay a faithful obedience thereto, in like manner as if such orders, despatches, official letters or communications had been sent to them by the said Court of Directors. (1)

(1) [For further enactments respecting the Secret Committee and the persons employed under it, see 33 Geo. 3, cap. 52, secs. 19, 21, and 22, and 53 Geo. 3, cap. 155, secs. 73, 74, and 75.]

The Court to submit to the Board an estimate of salaries of Directors and other expenses of the India-House, which shall be subject to reduction.

XXXVII. And be it enacted, that the said Court of Directors shall, before the twenty-second day of April, one thousand eight hundred and thirty-four, and afterwards from time to time, so often as reductions of the establishment of the said Court, or other circumstances may require, frame and submit to the said Board an estimate of the gross sum which will be annually required for the salaries of the Chairman, Deputy Chairman, and Members of the said Court, and the officers and secretaries thereof, and all other proper expenses fixed and contingent thereof, and of General Courts of Proprietors; and such estimate shall be subject to reduction by the said Board, so that the reasons for such reduction be given to the said Court of Directors; and any sum not exceeding the sum mentioned in such estimate, or (if the same shall be reduced) in such reduced estimate, shall be annually applicable, at the discretion of the Court of Directors, to the payment of the said salaries and expenses; and it shall not be lawful for the said Board to interfere with or control the particular application thereof, or to direct what particular salaries or expenses shall from time to time be increased or reduced: provided always, that such and the same accounts shall be kept and rendered of the sums to be applied in defraying the salaries and expenses aforesaid as of the other branches of the expenditure of the said Company.

The sum allowed to be applicable to such purposes, at discretion of the Court of Directors.

Accounts of application to be rendered.

Presidency of Fort William in Bengal to be divided into two presidencies.

XXXVIII. And be it enacted, that the territories now subject to the Government of the Presidency of Fort William in Bengal shall be divided into two distinct presidencies, one of such presidencies, in which shall be included Fort William aforesaid, to be styled the Presidency of Fort William in Bengal, and the other of such presidencies to be styled the Presidency of Agra (1); and that it shall be lawful for the said Court of Directors, under the control by this Act provided, and they are hereby required to declare and appoint what part or parts of any of the territories under the Government of the said Company shall from time to time be subject to the Government of each of the several presidencies now subsisting or to be established as aforesaid, and from time to time, as occasion may require, to revoke and alter, in the whole or in part, such appointment, and such new distribution of the same as shall be deemed expedient.

The Court to declare the limits from time to time of the several presidencies.

(1) [By 5 & 6 Wm. 4, cap. 52, the Court of Directors are authorized, with the approbation of the Board of Commissioners for the Affairs of India, to suspend the execution of the contemplated division into two distinct presidencies. The same Act provides that during such suspension the Governor-General in Council may appoint

a servant of the Company of ten years' residence to be Lieutenant-Governor of the North-Western Provinces, under such limitations as may be prescribed. Under that Act the establishment of a new presidency was accordingly suspended, and a Lieutenant-Governor of the North-Western Provinces appointed. By 16 & 17 Vict. cap. 95, sec. 15, the suspension is to remain until the Court of Directors shall otherwise determine, and in the mean time the provisions for the appointment of a Lieutenant-Governor of the North-Western Provinces, and the arrangements consequent thereon, are to be in force.]

Government of India.

XXXIX. And be it enacted, that the superintendence, direction, and control of the whole civil and military government of all the said territories and revenues in India shall be and is hereby vested in a Governor-General and Counsellors, to be styled "The Governor-General "of India in Council."

There shall be four ordinary councillors, three of whom shall be servants of the Company.

No military officer to hold any command whilst a member

The fourth member not to be appointed from the Company's servants.

XL. And be it enacted, that there shall be four ordinary members of the said Council, three of whom shall from time to time be appointed by the said Court of Directors (1) from amongst such persons as shall be or shall have been servants of the said Company; and each of the said three ordinary members of Council shall at the time of his appointment have been in the service of the said Company for at least ten years; and if he shall be in the military service of the said Company, he shall not during his continuance in office as a member of Council hold any military command, or be employed in actual military duties; and that the fourth ordinary member of Council shall from time to time be appointed from amongst persons who shall not be servants of the said Company by the said Court of Directors, subject to the approbation of his Majesty, to be signified in writing by his royal sign manual, countersigned by the President of the said Board; provided that such last-mentioned member of Council shall not be entitled to sit or vote in the said Council except at meetings thereof for making laws and regulations (2); and it shall be lawful for the said Court of Directors to appoint the Commander-in-chief of the Company's forces in India, and if there shall be no such Commander-in-chief, or the offices of such Commander-in-chief and of Governor-General of India shall be vested in the same person, then the Commander-in-chief of the forces on the Bengal establishment, to be an extraordinary member of the said Council; and such extraordinary member of Council shall have rank and precedence at the Council Board next after the Governor-General.(3)

(1) [By 16 & 17 Vict. cap. 95, sec. 20, appointments of ordinary members of Council are made subject to the approbation of the Crown.]

(2) [Repealed by 16 & 17 Vict. cap. 95, sec. 21.]

(3) [By 16 & 17 Vict. cap. 95, sec. 22, members are added to the Council of India for the purpose of assisting at meetings for making laws and regulations, but are not entitled to sit or vote except at such meetings.]

XLI. And be it enacted, that the person who shall be Governor-General of the Presidency of Fort William in Bengal on the twenty-second day of April, one thousand eight hundred and thirty-four, shall be the first Governor-General of India under this Act; and such persons as shall be members of Council of the same presidency on that day shall be respectively members of the Council constituted by this Act.

Governor - General and the members of Council on 22nd April, 1834, to be so under this Act.

XLII. And be it enacted, that all vacancies happening in the office of Governor-General of India shall from time to time be filled up by the said Court of Directors, subject to the approbation of his Majesty, to be signified in writing by his royal sign manual, countersigned by the President of the said Board.(1)

Filling up vacancies in these offices.

(1) [*Vide* 53 Geo. 3, cap. 155, sec. 80.]

XLIII. And be it enacted, that the said Governor-General in Council shall have power to make laws and regulations for repealing, amending, or altering any laws or regulations whatever now in force or hereafter to be in force in the said territories or any part thereof, and to make laws and regulations for all persons, whether British or native, foreigners or others, and for all Courts of justice, whether established by his Majesty's Charters or otherwise, and the jurisdiction thereof, and for all places and things whatsoever within and throughout the whole and every part of the said territories, and for all servants of the said Company within the dominions of princes and states in alliance with the said Company (1); save and except that the said Governor-General in Council shall not have the power of making any laws or regulations which shall in any way repeal, vary, suspend, or affect any of the provisions of this Act, or any of the provisions of the Acts for punishing mutiny and desertion of officers and soldiers, whether in the service of his Majesty or the said Company, or any provisions of any Act hereafter to be passsd in anywise affecting the said Company or the said territories or the inhabitants thereof, or any laws or regulations which shall in any way affect any prerogative of the Crown (2), or the authority of Parliament, or the constitution or rights of the said Company, or any part of the unwritten laws or constitution of the United Kingdom of Great Britain and Ireland whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom, or the sovereignty or dominion of the said Crown over any part of the said territories.

The Governor-General in Council empowered to legislate for India, except as to matters herein mentioned.

(1) [Previously to the passing of this Act, the Government of Madras and that of Bombay legislated for the territories respectively subject to them (39 & 40 Geo. 3, cap. 79, sec. 2, and 47 Geo. 3, sess. 2, cap. 68, sec. 3), and the regulations made by those Governments down to the period of this enactment, so far as they have not been repealed or varied by the Government of India or by Act of Parliament, have still the force of law.]

(2) [By 16 & 17 Vict. cap. 95, sec. 26, no law or regulation is to be rendered invalid only because it affects any prerogative of the Crown, provided the *previous* sanction of the Crown be obtained.]

XLIV. Provided always, and be it enacted, that in case the said Court of Directors, under such control as by this Act is provided, shall signify to the said Governor-General in Council their disallowance of any laws or regulations by the said Governor-General in Council made,

If the Court of Directors disallow the laws, Governor in Council to repeal them.

then and in every such case, upon receipt by the said Governor-General in Council of notice of such disallowance, the said Governor-General in Council shall forthwith repeal all laws and regulations so disallowed.

All such laws and regulations to be of the same force as any Act of Parliament.

XLV. Provided also, and be it enacted, that all laws and regulations made as aforesaid, so long as they shall remain unrepealed, shall be of the same force and effect within and throughout the said territories as any Act of Parliament would or ought to be within the same territories, and shall be taken notice of by all Courts of justice whatsoever within the same territories, in the same manner as any public Act of Parliament would and ought to be taken notice of; and it shall not be necessary to register or publish in any Court of justice any laws or regulations made by the said Governor-General in Council.

Registration unnecessary.

Restricting the power of punishing with death European subjects, &c.

XLVI. Provided also, and be it enacted, that it shall not be lawful for the said Governor-General in Council, without the previous sanction of the said Court of Directors, to make any law or regulation whereby power shall be given to any Courts of justice, other than the Courts of justice established by his Majesty's Charters, to sentence to the punishment of death any of his Majesty's natural-born subjects born in Europe, or the children of such subjects, or which shall abolish any of the Courts of justice established by his Majesty's Charters.

The Court to submit to the Board rules for the procedure of the Governor-General in Council.

XLVII. And be it enacted, that the said Court of Directors shall forthwith submit, for the approbation of the said Board, such rules as they shall deem expedient for the procedure of the Governor-General in Council in the discharge and exercise of all powers, functions, and duties imposed on or vested in him by virtue of this Act, or to be imposed or vested in him by any other Act or Acts; which rules shall prescribe the modes of promulgation of any laws or regulations to be made by the said Governor-General in Council, and of the authentication of all acts and proceedings whatsoever of the said Governor-General in Council; and such rules, when approved by the said Board of Commissioners, shall be of the same force as if they had been inserted in this Act: provided always, that such rules shall be laid before both houses of Parliament in the session next after the approval thereof.

Rules to be laid before Parliament.

Quorum of Governor-General and members in Council.

XLVIII. Provided always, and be it enacted, that all laws and regulations shall be made at some meeting of the Council at which the said Governor-General and at least three of the ordinary members of Council shall be assembled (1); and that all other functions of the said Governor-General in Council may be exercised by the said Governor-General and one or more ordinary member or members of Council; and that in every case of difference of opinion at meetings of the said Council where there shall be an equality of voices the said Governor-General shall have two votes or the casting vote.

(1) [See note (3) on section 41 of this Act, and also 16 & 17 Vict. cap. 95, secs. 22 and 23. The section last referred to fixes the quorum at legislative meetings.]

Manner of proceeding when any measure is proposed whereby the safety or peace of India may be essentially affected.

XLIX. Provided always, and be it enacted, that when and so often as any measure shall be proposed before the said Governor-General in Council whereby the safety, tranquillity, or interests of the British possessions in India, or any part thereof, are or may be, in the judgment of the said Governor-General, essentially affected, and the said Governor-General shall be of opinion either that the measure proposed ought to be adopted or carried into execution, or that the same ought to be suspended or wholly rejected, and the majority in Council then

present shall differ in and dissent from such opinion, the said Governor-General and members of Council are hereby directed forthwith mutually to exchange with and communicate to each other in writing under their respective hands, to be recorded at large on their secret consultations, the grounds and reasons of their respective opinions; and if after considering the same, the said Governor-General and the majority in Council shall still differ in opinion, it shall be lawful for the said Governor-General, of his own authority and on his own responsibility, to suspend or reject the measure so proposed in part or in whole, or to adopt and carry the measure so proposed into execution, as the said Governor-General shall think fit and expedient.(1)

(1) [*Vide* 33 Geo. 3, cap. 52, secs. 47, 48, 49, 50, 51, and 55.]

Council to assemble at any place in India.

L. And be it enacted, that the said Council shall from time to time assemble at such place or places as shall be appointed by the said Governor-General in Council within the said territories, and that as often as the said Council shall assemble within any of the presidencies of Fort Saint George, Bombay, or Agra (1), the Governor of such presidency shall act as an extraordinary member of Council.

(1) [See note on section 38.]

Nothing in this Act to affect the right of Parliament to legislate for India.

Express reservation.

Laws and regulations to be laid before Parliament.

LI. Provided always, and be it enacted, that nothing herein contained shall extend to affect in any way the right of Parliament to make laws for the said territories and for all the inhabitants thereof; and it is expressly declared that a full, complete, and constantly existing right and power is intended to be reserved to Parliament to control, supersede, or prevent all proceedings and acts whatsoever of the said Governor-General in Council, and to repeal and alter at any time any law or regulation whatsoever made by the said Governor-General in Council, and in all respects to legislate for the said territories and all the inhabitants thereof in as full and ample a manner as if this Act had not been passed; and the better to enable Parliament to exercise at all times such right and power, all laws and regulations made by the said Governor-General in Council shall be transmitted to England, and laid before both Houses of Parliament, in the same manner as is now by law provided concerning the rules and regulations made by the several Governments in India.(1)

(1) [*Vide* 53 Geo. 3, cap. 155, sec. 66.]

All enactments relating to Supreme Government shall apply to Governor-General of India in Council and alone.

LII. And be it enacted, that all enactments, provisions, matters, and things relating to the Governor-General of Fort William in Bengal in Council, and the Governor-General of Fort William in Bengal alone, respectively, in any other Act or Acts contained, so far as the same are now in force, and not repealed by or repugnant to the provisions of this Act, shall continue and be in force and be applicable to the Governor-General of India in Council, and to the Governor-General of India alone, respectively.

A law commission to be appointed, to inquire into the jurisdiction, &c., of existing Courts of justice and police establishments, and the operation of the laws.

LIII. And whereas it is expedient that, subject to such special arrangements as local circumstances may require, a general system of judicial establishments and police, to which all persons whatsoever, as well Europeans as natives, may be subject, should be established in the said territories at an early period, and that such laws as may be applicable in common to all classes of the inhabitants of the said territories, due regard being had to the rights, feelings, and peculiar usages of the people, should be enacted, and that all laws, and customs having the force of law, within the same territories should be ascertained and consolidated, and as occasion may require amended; be it therefore enacted, that the said Governor-General

of India in Council shall, as soon as conveniently may be after the passing of this Act, issue a commission, and from time to time commissions, to such persons as the said Court of Directors, with the approbation of the said Board of Commissioners, shall recommend for that purpose, and to such other persons, if necessary, as the said Governor-General in Council shall think fit, all such persons not exceeding in the whole at any one time five in number, and to be styled, "The Indian Law Commissioners," with all such powers as shall be necessary for the purposes hereinafter mentioned; and the said Commissioners shall fully inquire into the jurisdiction, powers, and rules of the existing Courts of justice and police establishments in the said territories, and all existing forms of judicial procedure, and into the nature and operation of all laws, whether civil or criminal, written or customary, prevailing and in force in any part of the said territories, and whereto any inhabitants of the said territories, whether Europeans or others, are now subject; and the said Commissioners shall from time to time make reports, in which they shall fully set forth the result of their said inquiries, and shall from time to time suggest such alterations as may in their opinion be beneficially made in the said Courts of justice and police establishments, forms of judicial procedure and laws, due regard being had to the distinction of castes, difference of religion, and the manners and opinions prevailing among different races and in different parts of the said territories.(1)

Commissioners from time to time to report the result of their inquiries.

(1) [*Vide* 16 & 17 Vict. cap. 95, sec. 28.]

Commissioners to follow instructions of Governor-General in Council, and to make special reports when required.

Governor-General in Council to consider reports, and transmit them with opinions thereupon.

LIV. And be it enacted, that the said Commissioners shall follow such instructions with regard to the researches and inquiries to be made and the places to be visited by them, and all their transactions with reference to the objects of their commission, as they shall from time to time receive from the said Governor-General of India in Council; and they are hereby required to make to the said Governor-General in Council such special reports upon any matters as by such instructions may from time to time be required; and the said Governor-General in Council shall take into consideration the reports from time to time to be made by the said Indian Law Commissioners, and shall transmit the same, together with the opinions or resolutions of the said Governor-General in Council thereon, to the said Court of Directors; and which said reports, together with the said opinions or resolutions, shall be laid before both Houses of Parliament in the same manner as is now by law provided concerning the rules and regulations made by the several Governments in India.(1)

(1) [*Vide* 16 & 17 Vict. cap. 95, sec. 28.]

Salaries to be granted to Law Commissioners.

LV. And be it enacted, that it shall and may be lawful for the Governor-General of India in Council to grant salaries to the said Indian Law Commissioners and their necessary officers and attendants, and to defray such other expenses as may be incident to the said commission, and that the salaries of the said Commissioners shall be according to the highest scale of remuneration given to any of the officers or servants of the India Company below the rank of Members of Council.

The executive government of the presidencies to be administered by a Governor and three Councillors.

LVI. And be it enacted, that the executive government of each of the several presidencies of Fort William in Bengal, Fort Saint George, Bombay, and Agra (1), shall be administered by a Governor and three Councillors, to be styled "The Governor in Council of the said "Presidencies of Fort William in Bengal, Fort Saint George, Bombay, and Agra, respec-"tively;" and the said Governor and Councillors respectively of each such presidency shall have the same rights and voices in their assemblies, and shall observe the same order and course in their proceedings, as the Governors in Council of the presidencies of Fort Saint George and

Bombay now have and observe, and that the Governor-General of India for the time being shall be Governor of the Presidency of Fort William in Bengal.

(1) [*Vide* note on section 38.]

Directors empowered to revoke the appointment of Councils, or to reduce the number of Councillors.

LVII. Provided always, and be it enacted, that it shall and may be lawful for the said Court of Directors, under such control as is by this Act provided, to revoke and suspend, so often and for such periods as the said Court shall in that behalf direct, the appointment of Councils in all or any of the said presidencies, or to reduce the number of councillors in all or any of the said Councils, and during such time as a Council shall not be appointed in any such presidency the executive government thereof shall be administered by a Governor alone.

Governors of Fort St. George and Bombay.

Governor of Agra and vacancies in presidencies to be filled up by Court.

LVIII. And be it enacted, that the several persons who on the said twenty-second day of April, one thousand eight hundred and thirty-four, shall be Governors of the respective presidencies of Fort Saint George and Bombay, shall be the first Governors of the said presidencies respectively under this Act; and that the office of Governor of the said Presidency of Agra (1), and all vacancies happening in the offices of the Governors of the said presidencies respectively, shall be filled up by the said Court of Directors, subject to the approbation of his Majesty, to be signified under his royal sign manual, countersigned by the said President of the said Board of Commissioners. 2)

(1) [*Vide* note on section 38.]

(2) [*Vide* 53 Geo. 3, cap. 155, sec. 80.]

The Governors of the presidencies to have the powers and immunities of the present Governors of Madras and Bombay, but not to make laws, or grant money.

LIX. And be it enacted, that in the presidencies in which the appointment of a Council shall be suspended under the provision hereinbefore contained, and during such time as Councils shall not be appointed therein respectively, the Governors appointed under this Act, and in the presidencies in which Councils shall from time to time be appointed, the said Governors in their respective Councils shall have all the rights, powers, duties, functions, and immunities whatsoever, not in anywise repugnant to this Act, which the Governors of Fort Saint George and Bombay in their respective Councils now have within their respective presidencies; and that the Governors and members of Council of presidencies appointed by or under this Act shall severally have all the rights, powers, and immunities respectively, not in anywise repugnant to this Act, which the Governors and members of Council of the presidencies of Fort Saint George and Bombay respectively now have in their respective presidencies; provided that no Governor or Governor in Council shall have the power of making or suspending any regulations or laws in any case whatever (1), unless in cases of urgent necessity (the burthen of the proof whereof shall be on such Governor or Governor in Council), and then only until the decision of the Governor-General of India in Council shall be signified thereon; and provided also, that no Governor or Governor in Council shall have the power of creating any new office or granting any salary, gratuity, or allowance, without the previous sanction of the Governor-General of India in Council.

(1) [*Vide* note on section 43.]

If Court of Directors neglect for two months to supply vacancy in any office, the King to appoint.

LX. Provided always, and be it enacted, that when and so often as the said Court of Directors shall neglect for the space of two calendar months, to be computed from the day whereon the notification of the vacancy of any office or employment in India in the appointment of the said Court shall have been received by the said Court, to supply such vacancy,

then and in every such case it shall be lawful for his Majesty to appoint, by writing under his sign manual, such person as his Majesty shall think proper to supply such vacancy; and that every person so appointed shall have the same powers, privileges, and authorities as if he or they had been appointed by the said Court, and shall not be subject to removal or dismissal without the approbation and consent of his Majesty. (1)

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 26.]

Power for the Court to make provisional appointments to any offices.

LXI. And be it enacted, that it shall be lawful for the said Court of Directors to appoint any person or persons provisionally to succeed to any of the offices aforesaid for supplying any vacancy or vacancies therein, when the same shall happen by the death or resignation of the person or persons holding the same office or offices respectively, or on his or their departure from India with intent to return to Europe, or on any event or contingency expressed in any such provisional appointment or appointments to the same respectively, and such appointments again to revoke: provided that every provisional appointment to the several offices of Governor-General of India, Governor of a presidency, and the Member of Council of India, by this Act directed to be appointed from amongst persons who shall not be servants of the said Company, shall be subject to the approbation of his Majesty, to be signified as aforesaid (1), but that no person so appointed to succeed provisionally to any of the said offices shall be entitled to any authority, salary, or emolument appertaining thereto until he shall be in the actual possession of such office. (2)

Provisional appointments of certain officers to be approved by his Majesty.

(1) [By 16 & 17 Vict. cap. 95, sec. 20, the appointment of ordinary Members of Council, whether of India or of the subordinate presidencies, is made subject to the approbation of the Crown.]

(2) [*Vide* 33 Geo. 3, cap. 52, sec. 27, and 53 Geo. 3, cap. 155, sec. 80.]

In case of vacancy in the office of Governor-General, and no successor upon the spot, the ordinary member of Council next in rank to act as Governor-General.

LXII. And be it enacted, that if any vacancy shall happen in the office of Governor-General of India when no provisional or other successor shall be upon the spot to supply such vacancy, then and in every such case the ordinary member of Council next in rank to the said Governor-General shall hold and execute the said office of Governor-General of India and Governor of the presidency of Fort William in Bengal (1) until a successor shall arrive, or until some other person on the spot shall be duly appointed thereto; and that every such acting Governor-General shall, during the time of his continuing to act as such, have and exercise all the rights and powers of Governor-General of India, and shall be entitled to receive the emoluments and advantages appertaining to the office by him supplied, such acting Governor-General foregoing his salary and allowance of a member of the Council for the same period. (2)

(1) [*Vide* note on section 61 of this Act.]

(2) [*Vide* section 40 of this Act, and 33 Geo. 3, cap. 52, secs. 29 and 30.]

In case of a vacancy in the office of Governor of any of the subordinate presidencies, and no provisional or other successor on the spot.

LXIII. And be it enacted, that if any vacancy shall happen in the office of Governor of Fort St. George, Bombay, or Agra (1), when no provisional or other successor shall be upon the spot to supply such vacancy, then and in every such case, if there shall be a Council in the presidency in which such vacancy shall happen, the member of such Council, who shall

be next in rank to the Governor, other than the Commander-in-chief, or officer commanding the forces of such presidency, and if there shall be no Council, then the secretary of Government of the said presidency who shall be senior in the said office of secretary, shall hold and execute the said office of Governor until a successor shall arrive, or until some other person on the spot shall be duly appointed thereto; and that every such acting Governor shall, during the time of his continuing to act as such, receive and be entitled to the emoluments and advantages appertaining to the office by him supplied, such acting Governor foregoing all salaries and allowances by him held and enjoyed at the time of his being called to supply such office. (2)

(1) [*Vide* note on section 38.]

(2) [*Vide* 33 Geo. 3, cap. 52, secs. 29 and 30.]

In case of a vacancy in the office of a member of Council, when no provisional or other successor on the spot.

LXIV. And be it enacted, that if any vacancy shall happen in the office of an ordinary member of Council of India when no person provisionally or otherwise appointed to succeed thereto shall be then present on the spot, then and on every such occasion such vacancy shall be supplied by the appointment of the Governor-General in Council; and if any vacancy shall happen in the office of a member of Council of any presidency when no person provisionally or otherwise appointed to succeed thereto shall be then present on the spot, then and on every such occasion such vacancy shall be supplied by the appointment of the Governor in Council of the presidency in which such vacancy shall happen; and until a successor shall arrive, the person so nominated shall execute the office by him supplied, and shall have all the powers thereof, and shall have and be entitled to the salary and other emoluments and advantages appertaining to the said office during his continuance therein, every such temporary member of Council foregoing all salaries and allowances by him held and enjoyed at the time of his being appointed to such office: provided always, that no person shall be appointed a temporary member of Council who might not have been appointed by the said Court of Directors to fill the vacancy supplied by such temporary appointment. (1)

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 31.]

The Governor-General in Council to have the control over the presidencies.

LXV. And be it further enacted, that the said Governor-General in Council shall have and be invested by virtue of this Act with full power and authority to superintend and control the Governors and Governors in Council of Fort William in Bengal, Fort Saint George, Bombay, and Agra (1), in all points relating to the civil or military administration of the said presidencies respectively, and the said Governors and Governors in Council shall be bound to obey such orders and instructions of the said Governor-General in Council in all cases whatsoever. (2)

(1) [*Vide* note on section 38.]

(2) [*Vide* 13 Geo. 3, cap. 63, sec. 9, and 33 Geo. 3, cap. 52, secs. 40, 41, 43, and 44.]

Drafts of laws proposed by Governors, to be taken into consideration by Governor-General in Council.

LXVI. And be it enacted, that it shall and may be lawful for the Governors or Governors in Council of Fort William in Bengal, Fort Saint George, Bombay, and Agra respectively, to propose to the said Governor-General in Council drafts or projects of any laws or regulations which the said Governors or Governors in Council respectively may think expedient, together with their reasons for proposing the same; and the said Governor-General in Council is

hereby required to take the same and such reasons into consideration, and to communicate the resolutions of the said Governor-General in Council thereon to the Governor or Governor in Council by whom the same shall have been proposed.

Powers of Governors of presidencies not to be suspended.

LXVII. And be it enacted, that when the said Governor-General shall visit any of the presidencies of Fort Saint George, Bombay, or Agra (1), the powers of the Governors of those presidencies respectively shall not by reason of such visit be suspended.

(1) [*Vide* note on section 38.]

Communications to be transmitted by Governors to Governor-General in Council.

LXVIII. And be enacted, that the said Governors and Governors in Council of the said presidencies of Fort William in Bengal, Fort Saint George, Bombay, and Agra (1) respectively, shall and they are hereby respectively required regularly to transmit to the said Governor-General in Council true and exact copies of all such orders and acts of their respective Governments, and also advice and intelligence of all transactions and matters which shall have come to their knowledge, and which they shall deem material to be communicated to the said Governor-General in Council as aforesaid, or as the said Governor-General in Council shall from time to time require.

(1) [*Vide* note on section 38.]

The Governor-General in Council may appoint a Deputy-Governor of Bengal as exigencies may require.

LXIX. And be it enacted, that it shall be lawful for the said Governor-General in Council, as often as the exigencies of the public service may appear to him to require, to appoint such one of the ordinary members of the said Council of India as he may think fit to be Deputy-Governor of the said presidency of Fort William in Bengal, and such Deputy-Governor shall be invested with all the powers and perform all the duties of the said Governor of the presidency of Fort William in Bengal, but shall receive no additional salary by reason of such appointment. (1)

(1) [By 16 & 17 Vict. cap. 95, sec. 16, power is given for the appointment of a servant of ten years' residence, to be Lieutenant-Governor of such parts of the territories under the presidency of Fort William in Bengal as might not at the time be under the Lieutenant-Governor of the North-Western Provinces, which power has been acted upon.]

Provision in case the Governor-General in Council shall declare it expedient for the Governor-General to visit any part of India without his Council.

LXX. And be it enacted, that whenever the said Governor-General in Council shall declare that it is expedient that the said Governor-General should visit any part of India unaccompanied by any member or members of the Council of India, it shall be lawful for the said Governor-General in Council, previously to the departure of the said Governor-General, to nominate some member of the Council of India to be President of the said Council, in whom during the absence of the said Governor-General from the said presidency of Fort William in Bengal, the powers of the said Governor-General in assemblies of the said Council shall be reposed (1); and it shall be lawful in every such case for the said Governor-General in Council, by a law or regulation for that purpose to be made, to authorize the Governor-General alone to exercise all or any of the powers which might be exercised by the said Governor-General in Council, except the power of making laws or regulations: provided always, that during the absence of the Governor-General no law or

regulation shall be made by the said President and Council without the assent in writing of the said Governor-General.

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 53.]

The new presidency of Agra not to affect the succession to commands and offices in Bengal and Agra.

LXXI. And be it enacted, that there shall not, by reason of the division of the territories now subject to the Government of the presidency of Fort William in Bengal into two presidencies as aforesaid (1), be any separation between the establishments and forces thereof respectively, or any alteration in the course and order of promotion and succession of the Company's servants in the same two presidencies respectively, but that all the servants, civil and military, of the Bengal establishments and forces, shall and may succeed and be appointed to all commands and offices within either of the said presidencies respectively, as if this Act had not been passed.

(1) [*Vide* note on section 38.]

Presidency of Fort William to be entire for the purposes of the Mutiny Act.

LXXII. And be it enacted, that for the parposes of an Act passed in the fourth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to consolidate "and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the "Service of the East-India Company, and to authorize Soldiers and Sailors in the East-Indies "to send and receive Letters at a reduced Rate of Postage"(1), and of any Articles of War made or to be made under the same, the presidency of Fort William in Bengal shall be taken and deemed to comprise under and within it all the territories which by or in virtue of this Act shall be divided between the presidencies of Fort William in Bengal and Agra respectively, and shall for all the purposes aforesaid be taken to be the presidency of Fort William in Bengal in the said Act mentioned.

(1) [Repealed from the 1st of January, 1841, by 3 & 4 Vict. cap. 37, which Act was also repealed (with the exception of certain clauses), from the 1st January, 1850, by 12 & 13 Vict. cap. 43. For the purposes of the last-named Act, it is therein provided (sec. 3) that the presidency of Fort William in Bengal shall be taken to comprise all the territories divisible *by law* between the presidencies of Fort William and Agra, that is, the North-Western as well as the lower provinces of Bengal, or the entire territory subject to the Presidency of Fort William before its division.]

Articles of War to be made by Governor-General in Council.

LXXIII. And be it enacted, that it shall be lawful for the said Governor-General in Council from time to time to make Articles of War for the government of the native officers and soldiers in the military service of the Company, and for the administration of justice by courts-martial to be holden on such officers and soldiers, and such Articles of War from time to time to repeal or vary and amend; and such Articles of War shall be made and taken notice of in the same manner as all other the laws and regulations to be made by the said Governor-General in Council under this Act, and shall prevail and be in force, and shall be of exclusive authority over all the native officers and soldiers in the said military service, to whatever presidency such officers and soldiers may belong, or wheresoever they may be serving: provided nevertheless, that until such Articles of War shall be made by the said Governor-General in Council, any Articles of War for or relating to the government of the Company's

native forces, which at the time of this Act coming into operation shall be in force and use in any part or parts of the said territories, shall remain in force. (1)

(1) [*Vide* 53 Geo. 3, cap. 155, secs. 96 and 97, and 12 & 13 Vict. cap. 45, sec. 1.]

His Majesty may remove any officer of the Company in India.

LXXIV. And be it enacted, that it shall be lawful for his Majesty, by any writing under his sign manual, countersigned by the President of the said Board of Commissioners, to remove or dismiss any person holding any office, employment, or commission, civil or military, under the said Company in India, and to vacate any appointment or commission of any person to any such office or employment; provided that a copy of every such writing, attested by the said President, shall within eight days after the same shall be signed by his Majesty be transmitted or delivered to the Chairman or Deputy Chairman of the said Company.(1)

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 35.]

The power of the Directors to remove their servants preserved.

LXXV. Provided always, and be it enacted, that nothing in this Act contained shall take away the power of the said Court of Directors to remove or dismiss any of the officers or servants of the said Company, but that the said Court shall and may at all times have full liberty to remove or dismiss any of such officers or servants at their will and pleasure; provided that any servant of the said Company appointed by his Majesty through the default of appointment by the said Court of Directors shall not be dismissed or removed without his Majesty's approbation, as hereinbefore is mentioned.(1)

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 36, and 53 Geo. 3, cap. 155, sec. 80.]

Salaries of Governor-General, &c., fixed; to be in lieu of all fees, &c.

LXXVI. And be it enacted, that there shall be paid to the several officers hereinafter named the several salaries set against the names of such officers, subject to such reduction of the said several salaries respectively as the said Court of Directors, with the sanction of the said Board, may at any time think fit; that is to say,

To the Governor-General of India, two hundred and forty thousand sicca rupees:
To each ordinary Member of the Council of India, ninety-six thousand sicca rupees: (1)
To each Governor of the Presidencies of Fort Saint George, Bombay, and Agra, one hundred and twenty thousand sicca rupees:
To each Member of any Council to be appointed in any presidency, sixty thousand sicca rupees:

And the salaries of the said officers respectively shall commence from their respectively taking upon them the execution of their respective offices; and the said salaries shall be the whole profit or advantage which the said officers shall enjoy during their continuance in such offices respectively; and it shall be and it is hereby declared to be a misdemeanor for any such officer to accept for his own use, in the discharge of his office, any present, gift, donation, gratuity, or reward, pecuniary or otherwise, whatsoever, or to trade or traffic for his own benefit or for the benefit of any other person or persons whatsoever (2); and the said Court of Directors are hereby required to pay to all and singular the officers and persons hereinafter named who shall be resident in the United Kingdom at the time of their respective appointments, for the purpose of defraying the expenses of their equipment and voyage, such sums of money as are set against the names of such officers and persons respectively (3); that is to say,

Acceptance of gratuities a misdemeanor.

Passage-money fixed.

To the Governor-General, five thousand pounds:

To each member of the Council of India, one thousand two hundred pounds:

To each Governor of the Presidencies of Fort Saint George, Bombay, and Agra, two thousand five hundred pounds:

Provided also, that any Governor-General, Governor, or member of Council appointed by or by virtue of this Act, who shall at the time of passing this Act hold the office of Governor-General, Governor, or member of Council respectively, shall receive the same salary and allowances that he would have received if this Act had not been passed.

(1) [Reduced by 16 & 17 Vict. cap. 95, sec. 35, to eighty thousand Company's rupees.]

(2) [*Vide* 33 Geo. 3, cap. 52, secs. 62, 63, and 137.]

(3) [*Vide* 53 Geo. 3, cap. 155, sec. 89, and section 91 of this Act (3 & 4 Wm. 4, cap. 85), as to passage-money to various officers.]

Governor - General and Governors to forego pensions and other salaries from the Crown or Company while they hold office.

LXXVII. Provided always, and be it enacted, that if any Governor-General, Governor, or ordinary member of the Council of India, or any member of the Council of any presidency, shall hold or enjoy any pension, salary, or any place, office, or employment of profit under the Crown or any public office or the said Company (1), or any annuity payable out of the civil or military fund of the said Company, the salary of his office of Governor-General of India, Governor, or member of Council, shall be reduced by the amount of the pension, salary, annuity, or profits of office so respectively held or enjoyed by him.

(1) [So in the Act.]

Directors to make regulations for the distribution of patronage in India.

LXXVIII. And be it enacted, that the said Court of Directors, with the approbation of the said Board of Commissioners, shall and may from time to time make regulations for the division and distribution of the patronage and power of nomination of and to the offices, commands, and employments in the said territories, and in all or any of the presidencies thereof, among the said Governor-General in Council, Governor-General, Governors in Council, Governors, Commander-in-chief, and other commanding officers respectively appointed or to be appointed under this Act.(1)

(1) [*Vide* 53 Geo. 3, cap. 155, sec. 81.]

Departure of Governor-General, &c., for Europe, to be a resignation.

Resignation in India to be by deed.

Salary to cease on departure or resignation.

LXXIX. And be it enacted, that the return to Europe, or the departure from India with intent to return to Europe, of any Governor-General of India, Governor, member of Council, or Commander-in-chief, shall be deemed in law a resignation and avoidance of his office or employment, and that no act or declaration of any Governor-General, or Governor, or member of Council, other than as aforesaid, excepting a declaration in writing under hand and seal, delivered to the secretary for the public department of the presidency wherein he shall be, in order to its being recorded, shall be deemed or held as a resignation or surrender of his said office; and that the salary and other allowances of any such Governor-General or other officer respectively shall cease from the day of such his departure, resignation, or surrender; and that if any such Governor-General or member of Council of India shall leave the said territories, or if any Governor or other officer whatever in the service of the said Company shall leave the presidency to which he shall belong, other than in the known actual service of the said Company, the salary and allowances appertaining to his office shall

not be paid or payable during his absence to any agent or other person for his use; and in the event of his not returning, or of his coming to Europe, his salary and allowances shall be deemed to have ceased on the day of his leaving the said territories, or the presidency to which he may have belonged (1); provided that it shall be lawful for the said Company to make such payment as is now by law permitted to be made to the representatives of their officers or servants who, having left their stations intending to return thereto, shall die during their absence.(2)

As to representatives of officers dying during absence.

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 37. The rule prohibiting payment of salary to an agent during absence, has been modified with respect to officers under the rank of Members of Council, by 7 Wm. 4 & 1 Vict. cap. 47. It is to be observed also, that by 16 & 17 Vict. cap. 95, sec. 32, the Court of Directors are empowered to make regulations under which residence may be permitted beyond the limits of the Company's Charter during furlough or sick leave. The regulations *for the time being* must therefore be consulted, in order to ascertain the extent of freedom granted in respect of place, and the conditions on which it may be enjoyed.]

(2) [*Vide* 7 Geo. 4, cap. 56, sec. 3.]

Disobedience of orders and breach of trust by officers or servants of the Company in India, misdemeanors.

LXXX. And be it enacted, that every wilful disobeying, and every wilful omitting, forbearing, or neglecting to execute the orders or instructions of the said Court of Directors by any Governor-General of India, Governor, Member of Council, or Commander-in-chief, or by any other of the officers or servants of the said Company, unless in cases of necessity (the burthen of the proof of which necessity shall be on the person so disobeying or omitting, forbearing or neglecting, to execute such orders or instructions as aforesaid); and every wilful breach of the trust and duty of any office or employment by any such Governor-General, Governor, Member of Council, or Commander-in-chief, or any of the officers or servants of the said Company, shall be deemed and taken to be a misdemeanor at law, and shall or may be proceeded against and punished as such by virtue of this Act. (1)

(1) [*Vide* 13 Geo. 3, cap. 63, sec. 9, and 33 Geo. 3, cap. 52, sec. 65.]

Authority for his Majesty's subjects to reside in certain parts of India without license.

LXXXI. And be it enacted, that it shall be lawful for any natural-born subjects of his Majesty to proceed by sea to any port or place having a Custom-house establishment within the said territories, and to reside thereat, or to proceed to and reside in or pass through any part of such of the said territories as were under the government of the said Company on the first day of January, one thousand eight hundred, and in any part of the countries ceded by the Nabob of the Carnatic, of the province of Cuttack, and of the settlements of Singapore and Malacca, without any license whatever; provided that all subjects of his Majesty not natives of the said territories shall, on their arrival in any part of the said territories from any port or place not within the said territories, make known in writing their names, places of destination, and objects of pursuit in India, to the chief officer of the Customs, or other officer authorized for that purpose, at such port or place as aforesaid.

Subjects of his Majesty not to reside in

LXXXII. Provided always, and be it enacted, that it shall not be lawful for any subject of his Majesty, except the servants of the said Company and others now lawfully authorized

to reside in the said territories, to enter the same by land, or to proceed to or reside in any place or places in such parts of the said territories as are not hereinbefore in that behalf mentioned, without license from the said Board of Commissioners, or the said Court of Directors, or the said Governor-General in Council, or a Governor or Governor in Council of any of the said presidencies for that purpose first obtained: provided always, that no license given to any natural-born subject of his Majesty to reside in parts of the territories not open to all such subjects shall be determined or revoked, unless in accordance with the terms of some express clause of revocation or determination in such license contained.

certain parts of India without license.

LXXXIII. Provided always, and be it enacted, that it shall be lawful for the said Governor-General in Council, with the previous consent and approbation of the said Court of Directors for that purpose obtained, to declare any place or places whatever within the said territories open to all his Majesty's natural-born subjects, and it shall be thenceforth lawful for any of his Majesty's natural-born subjects to proceed to, or reside in, or pass through any place or places declared open, without any license whatever.

The Governor-General in Council, with previous consent of Directors, may declare other places open.

LXXXIV. And be it enacted, that the said Governor-General in Council shall, and he is hereby required, as soon as conveniently may be, to make laws or regulations providing for the prevention or punishment of the illicit entrance into or residence in the said territories of persons not authorized to enter or reside therein.

Laws against illicit residence to be made.

LXXXV. And whereas the removal of restrictions on the intercourse of Europeans with the said territories will render it necessary to provide against any mischiefs or dangers that may arise therefrom, be it therefore enacted, that the said Governor-General in Council shall, and he is hereby required, by laws or regulations, to provide with all convenient speed for the protection of the natives of the said territories from insult and outrage in their persons, religions, or opinions.

Laws and regulations to be made for protection of natives.

LXXXVI. And be it enacted, that it shall be lawful for any natural-born subject of his Majesty authorized to reside in the said territories, to acquire and hold lands, or any right, interest, or profit in or out of lands, for any term of years, in such part or parts of the said territories as he shall be so authorized to reside in: provided always, that nothing herein contained shall be taken to prevent the said Governor-General in Council from enabling, by any laws or regulations, or otherwise, any subjects of his Majesty to acquire or hold any lands, or rights, interests, or profits in or out of lands, in any part of the said territories, and for any estates or terms whatever. (1)

Lands within the Indian territories may be purchased.

(1) [See Act of Government of India, No. 4 of 1837, in Appendix.]

LXXXVII. And be it enacted, that no native of the said territories, nor any natural-born subject of his Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office, or employment under the said Company.

No disabilities in respect of religion, colour, or place of birth.

LXXXVIII. And be it further enacted, that the said Governor-General in Council shall and he is hereby required forthwith to take into consideration the means of mitigating the state of slavery, and of ameliorating the condition of slaves, and of extinguishing slavery, throughout the said territories, so soon as such extinction shall be practicable and safe (1), and from time to time to prepare and transmit to the said Court of Directors drafts of laws or regulations for the purposes aforesaid, and that in preparing such drafts due regard shall be had to the laws of marriage and the rights and authorities of fathers and heads of families, and

Slavery to be mitigated, and abolished as soon as practicable.

that such drafts shall forthwith, after receipt thereof, be taken into consideration by the said Court of Directors, who shall, with all convenient speed, communicate to the said Governor-General in Council their instructions on the drafts of the said laws and regulations, but no such laws and regulations shall be promulgated or put in force without the previous consent of the said Court; and the said Court shall, within fourteen days after the first meeting of Parliament in every year, lay before both Houses of Parliament a report of the drafts of such rules and regulations as shall have been received by them, and of their resolutions or proceedings thereon.

(1) [*Vide* Act of Government of India, No. 5 of 1843, which by refusing to recognise the right to property in slaves, and by extending protection to both the persons and property of those so styled, has substantially put an end to the institution of slavery within the territories under the East-India Company.]

Respecting the inconvenient extent of the diocese of Calcutta.

LXXXIX. And whereas the present diocese of the bishopric of Calcutta is of too great an extent for the incumbent thereof to perform efficiently all the duties of the office without endangering his health and life, and it is therefore expedient to diminish the labours of the bishop of the said diocese, and for that purpose to make provision for assigning new limits to the diocese of the said bishop, and for founding and constituting two separate and distinct bishoprics, but nevertheless the bishops thereof to be subordinate and subject to the Bishop of Calcutta for the time being, and his successors, as their metropolitan; be it therefore enacted, that in case it shall please his Majesty to erect, found, and constitute two bishoprics, one to be styled the Bishopric of Madras, and the other the Bishopric of Bombay, and from time to time to nominate and appoint bishops to such bishoprics under the style and title of Bishops of Madras and Bombay respectively, there shall be paid from and out of the revenues of the said territories to such bishops respectively the sum of twenty-four thousand sicca rupees by the year.

If the King erects bishoprics of Madras and Bombay, certain salaries to be paid to the bishops.

Such salaries to commence from time of taking office, and to be in lieu of all fees, &c.

XC. And be it enacted, that the said salaries shall commence from the time at which such persons as shall be appointed to the said office of bishop shall take upon them the execution of their respective offices; and that such salaries shall be in lieu of all fees of office, perquisites, emoluments, or advantages whatsoever; and that no fees of office, perquisites, emoluments, or advantages whatsoever shall be accepted, received, or taken by such bishop or either of them, in any manner or on any account or pretence whatsoever, other than the salaries aforesaid; and that such bishops respectively shall be entitled to such salaries so long as they shall respectively exercise the functions of their several offices in the British territories aforesaid.

Passage-money for each such bishop.

XCI. And be it enacted, that the said Court of Directors shall and they are required to pay to the bishops so from time to time to be appointed to the said Bishoprics of Madras and Bombay, in case they shall be resident in the United Kingdom at the time of their respective appointments, the sum of five hundred pounds each, for the purpose of defraying the expenses of their equipments and voyage.

As to jurisdiction of such bishops.

XCII. Provided always, and be it enacted, that such bishops shall not have or use any jurisdiction, or exercise any episcopal functions whatsoever, either in the said territories or elsewhere, but only such jurisdiction and functions as shall or may from time to time be limited to them respectively by his Majesty by his Royal Letters Patent under the Great Seal of the said United Kingdom.(1)

(1) [By 15 & 16 Vict. cap. 52, and 16 & 17 Vict. cap. 49, Indian and colonial Bishops are empowered, on certain conditions, to exercise episcopal functions in England, Ireland, and any of her Majesty's foreign or colonial possessions.]

XCIII. And be it enacted, that it shall and may be lawful for his Majesty from time to time, if he shall think fit, by his Royal Letters Patent under the Great Seal of the said United Kingdom, to assign limits to the diocese of the Bishopric of Calcutta and to the dioceses of the said Bishoprics of Madras and Bombay respectively, and from time to time to alter and vary the same limits respectively, as to his Majesty shall seem fit, and to grant to such bishops respectively within the limits of their respective dioceses the exercise of episcopal functions, and of such ecclesiastical jurisdiction as his Majesty shall think necessary for the superintendence and good government of the ministers of the United Church of England and Ireland therein.

The King empowered by Letters Patent to limit jurisdiction and functions.

XCIV. Provided always, and be it enacted, that the Bishop of Calcutta for the time being shall be deemed and taken to be the Metropolitan Bishop in India, and as such shall have, enjoy, and exercise all such ecclesiastical jurisdiction and episcopal functions, for the purposes aforesaid, as his Majesty shall by his Royal Letters Patent under the Great Seal of the said United Kingdom think necessary to direct, subject nevertheless to the general superintendence and revision of the Archbishop of Canterbury for the time being; and that the Bishops of Madras and Bombay for the time being respectively shall be subject to the Bishop of Calcutta for the time being as such Metropolitan, and shall at the time of their respective appointments to such bishoprics, or at the time of their respective consecrations as bishop, take an oath of obedience to the said Bishop of Calcutta in such manner as his Majesty by his said Royal Letters Patent shall be pleased to direct.

The Bishop of Calcutta to be Metropolitan in India.

XCV. And be it enacted, that when and as often as it shall please his Majesty to issue any Letters Patent respecting the Bishopric of Calcutta, Madras, or Bombay, or for the nomination or appointment of any person thereto respectively, the warrant for the bill in every such case shall be countersigned by the President of the Board of Commissioners for the Affairs of India, and by no other person.

Warrants for bills on Letters Patent appointing bishops to be countersigned by the President.

XCVI. And be it enacted, that it shall and may be lawful for his Majesty, his heirs and successors, by warrant under his royal sign manual, countersigned by the Chancellor of the Exchequer for the time being, to grant to any such Bishop of Madras or Bombay respectively who shall have exercised in the British territories aforesaid for fifteen years the office of such bishop, a pension not exceeding eight hundred pounds per annum, to be paid quarterly by the said Company.(1)

The King may grant certain pensions to Bishops of Madras or Bombay.

(1) [By 5 & 6 Vict. cap. 119, the Bishops of Madras and Bombay may, after a residence of fifteen years, return to Europe for a period not exceeding eighteen months, with a furlough allowance not exceeding the amount of retiring pension.]

XCVII. And be it enacted, that in all cases when it shall happen the said person nominated and appointed to be bishop of either of the said Bishoprics of Madras or Bombay shall depart this life within six calendar months next after the day when he shall have arrived in India for the purpose of taking upon him the office of such bishop, there shall be payable

Respecting salary of a Bishop of Madras or Bombay dying within six months after arrival;

out of the territorial revenues from which the salary of such bishop so dying shall be payable to the legal personal representatives of such bishop, such sum or sums of money as shall, together with the sum or sums paid to or drawn by such bishop in respect of his salary, make up the full amount of one year's salary; and when and so often as it shall happen that any such bishop shall depart this life while in possession of such office, and after the expiration of six calendar months from the time of his arrival in India for the purpose of taking upon him such office, then and in every such case there shall be payable, out of the territorial revenues from which the salary of the said bishop so dying shall be payable, to his legal personal representatives, over and above what may have been due to him at the time of his death, a sum equal to the full amount of the salary of such bishop for six calendar months.

or after six months holding office in India.

As to residence of Bishop of Madras or Bombay, if translated to Calcutta.

XCVIII. And be it enacted, that if it shall happen that either of the Bishops of Madras or Bombay shall be translated to the Bishopric of Calcutta, the period of residence of such person as Bishop of Madras or Bombay shall be accounted for and taken as a residence as Bishop of Calcutta; and if any person now an archdeacon in the said territories shall be appointed Bishop of Madras or Bombay, the period of his residence in India as such archdeacon shall for all the purposes of this Act be accounted for and taken as a residence as such bishop.

As to consecration of any person under the degree of a bishop, if resident in India, appointed to a bishopric.

XCIX. Provided also, and be it enacted, that if any person under the degree of a bishop shall be appointed to either of the Bishoprics of Calcutta, Madras, or Bombay, who at the time of such appointment shall be resident in India, then and in such case it shall and may be lawful for the Archbishop of Canterbury, when and as he shall be required so to do by his Majesty by his Royal Letters Patent under the Great Seal of the said United Kingdom, to issue a commission under his hand and seal, to be directed to the two remaining bishops, authorizing and charging them to perform all such requisite ceremonies for the consecration of the person so to be appointed to the degree and office of a bishop.

Provision for expenses of visitations.

C. And be it enacted, that the expenses of visitations to be made from time to time by the said Bishops of Madras and Bombay respectively shall be paid by the said Company out of the revenues of the said territories; provided that no greater sum on account of such visitations be at any time issued than shall from time to time be defined and settled by the Court of Directors of the said Company with the approbation of the Commissioners for the Affairs of India.

No archdeacon in India to have a salary exceeding 3,000 sicca rupees.

CI. And be it enacted, that no archdeacon hereafter to be appointed for the archdeaconry of the presidency of Fort William in Bengal, or the archdeaconry of the presidency of Fort Saint George, or the archdeaconry of the presidency and island of Bombay, shall receive in respect of his archdeaconry any salary exceeding three thousand sicca rupees per annum; provided always, that the whole expense incurred in respect of the said bishops and archdeacons shall not exceed one hundred and twenty thousand sicca rupees per annum.

Two chaplains of the Church of Scotland to be on the establishment of each presidency.

CII. And be it enacted, that of the establishment of chaplains maintained by the said Company at each of the presidencies of the said territories, two chaplains shall always be ministers of the Church of Scotland, and shall have and enjoy from the said Company such salary as shall from time to time be allotted to the military chaplains at the several presidencies: provided always, that the ministers of the Church of Scotland to be appointed chaplains at the said presidencies as aforesaid shall be ordained and inducted by the presbytery of Edinburgh according to the forms and solemnities used in the Church of Scotland, and shall be subject to the spiritual and ecclesiastical jurisdiction in all things of the presbytery of

Edinburgh, whose judgments shall be subject to dissent, protest, and appeal to the provincial Synod of Lothian and Tweedale, and to the General Assembly of the Church of Scotland: provided always, that nothing herein contained shall be so construed as to prevent the Governor-General in Council from granting from time to time, with the sanction of the Court of Directors and of the Commissioners for the Affairs of India, to any sect, persuasion, or community of Christians not being of the United Church of England and Ireland, or of the Church of Scotland, such sums of money as may be expedient for the purpose of instruction or for the maintenance of places of worship.

Sections 103, 104, 105, 106, and 107, were repealed by 16 & 17 Vict. cap. 95, sec. 36; they related to the fourfold system of nomination, under which, for every appointment to be made to Haileybury, four candidates to be nominated by the Court of Directors were to be permitted to compete. But the plan never came into operation, having been suspended under the 7 Wm. 4 & 1 Vict. cap. 70. By that Act the Board was authorized to appoint Examiners and make rules for examinations during the suspension; and by 1 & 2 Vict. cap. 22, it received power to make rules for the government of the College, whether the enactments respecting the admission of students should be suspended or not. By 16 & 17 Vict. cap. 95, sec. 37, any natural-born subject of her Majesty desirous of admission to the College, is entitled to be examined as a candidate, subject to such rules as may be prescribed. Sections 39, 40, 41, and 42 of that Act (16 & 17 Vict. cap. 95) relate to the rules and conditions of examination and of appointment to the civil service.

CVIII. And be it enacted, that no appointment of any professor or teacher at the said College shall be valid or effectual until the same shall have been approved by the Board of Commissioners. Sanction of appointment of professors.

CIX. And be it enacted, that every power, authority, and function by this or any other Act or Acts given to and vested in the said Court of Directors shall be deemed and taken to be subject to such control of the said Board of Commissioners as in this Act is mentioned, unless there shall be something in the enactments conferring such powers, authorities, or functions inconsistent with such construction, and except as to any patronage or right of appointing to office vested in or reserved to the said Court. (1) All powers of Court of Directors to be subject to the control of the Board, except patronage.

(1) [For various enactments relating to the powers of the Board, see 28 Geo. 3, cap. 8, secs. 3 and 4; 33 Geo. 3, cap. 52, secs. 9, 10, 11, 12, 13, 15, 17, 18, 19, 68, 70, and 125; 37 Geo. 3, cap. 117, sec. 2; 39 & 40 Geo. 3, cap. 79, sec. 1; 47 Geo. 3, cap. 68, sec. 8; 51 Geo. 3, cap. 75, sec. 5; 53 Geo. 3, cap. 155, secs. 25, 42, 43, 44, 78, 81, 83, 87, and 88; 55 Geo. 3, cap. 64, and 55 Geo. 3, cap. 84, sec. 1. The sections of this Act referring more particularly to the subject, are 25,

28, 29, 30, 31, 32, 33, 34, 36, 37, 44, 47, 57, 78, 108, and 110. See also 16 & 17 Vict. cap. 95, secs. 29, 33, 38, 39, 40, and 42.]

Board of Control prohibited from directing the grant of allowances.

CX. Provided always, and be it enacted, that nothing herein contained shall be construed to enable the said Board of Commissioners to give or cause to be given directions ordering or authorizing the payment of any extraordinary allowance or gratuity, or the increase of any established salary, allowance, or emolument, unless in the cases and subject to the provisions in and subject to which such directions may now be given by the said Board, or to increase the sum now payable by the said Company on account of the said Board, except only by such salaries or allowances as shall be payable to the officers to be appointed as hereinbefore is mentioned to attend upon the said Board during the winding up of the commercial business of the said Company. (1)

(1) [*Vide* 28 Geo. 3, cap. 8, secs. 3 and 4; and 33 Geo. 3, cap. 52, secs. 17 and 18.]

The Company to be called the East-India Company.

CXI. And be it enacted, that whenever in this Act, or in any Act hereafter to be passed, the term East-India Company is or shall be used, it shall be held to apply to the United Company of Merchants of England trading to the East-Indies, and that the said United Company of Merchants of England trading to the East-Indies may, in all suits, proceedings, and transactions whatsoever after the passing of this Act, be called by the name of the East-India Company.

St. Helena vested in the Crown.

CXII. And be it enacted, that the island of Saint Helena, and all forts, factories, public edifices, and hereditaments whatsoever in the said island, and all stores and property thereon fit or used for the service of the government thereof, shall be vested in his Majesty, his heirs and successors, and the said island shall be governed by such orders as his Majesty in Council shall from time to time issue in that behalf.

Servants of the Company in China and St. Helena to be eligible to offices in any presidency.

CXIII. And be it further enacted, that every supercargo and other civil servant of the said Company, now employed by the said Company in the factory at Canton or in the island of Saint Helena, shall be capable of taking and holding any office in any presidency or establishment of the said territories which he would have been capable of taking and holding if he had been a civil servant in such presidency or on such establishment during the same time as he shall have been in the service of the said Company.

Repeal of enactments for keeping a stock of tea.

CXIV. And be it enacted, that from and after the passing of this Act all enactments and provisions directing the said Company to provide for keeping a stock of tea shall be repealed.

King's Courts authorized to admit advocates and attorneys without the Company's license.

CXV. And be it enacted, that it shall be lawful for any Court of Justice established by his Majesty's Charters in the said territories to approve, admit, and enrol persons as barristers, advocates, and attorneys in such Court without any license from the said Company, any thing in any such Charter contained to the contrary notwithstanding: provided always, that the being entitled to practise as an advocate in the principal Courts of Scotland is and shall be deemed and taken to be a qualification for admission as an advocate in any Court in India, equal to that of having been called to the bar in England or Ireland.

Accounts to be annually laid before Parliament.

CXVI. And be it further enacted, that the Court of Directors of the said Company shall, within the first fourteen sitting days next after the first day of May in every year, lay before

both Houses of Parliament an account, made up according to the latest advices which shall have been received, of the annual produce of the revenues of the said territories in India, distinguishing the same and the respective heads thereof at each of their several presidencies or settlements, and of all their annual receipts and disbursements at home and abroad, distinguishing the same under the respective heads thereof, together with the latest estimate of the same, and also the amount of their debts, with the rates of interest they respectively carry, and the annual amount of such interest, the state of their effects and credits at each presidency or settlement, and in England or elsewhere, according to the latest advices which shall have been received thereof, and also a list of their several establishments, and the salaries and allowances payable by the said Court of Directors in respect thereof: and the said Court of Directors, under the direction and control of the said Board of Commissioners, shall forthwith prepare forms of the said accounts and estimates in such manner as to exhibit a complete and accurate view of the financial affairs of the said Company; and if any new or increased salaries, establishments, or pensions shall have been granted or created within any year, the particulars thereof shall be specially stated and explained at the foot of the account of the said year.

Commencement of Act.

CXVII. And be it enacted, that this Act shall commence and take effect from and after the passing thereof, so far as to authorize the appointment, or prospective or provisional appointment, of the Governor-General of India, Governors, Members of Council, or other officers, under the provisions herein contained, and so far as hereinbefore in that behalf mentioned, and as to all other matters and things, from and after the twenty-second day of April next.

3 & 4 GULIELMI IV. Cap. XCIII.

AN ACT *to regulate the Trade to China and India.*

[*28th August*, 1833.]

The first and second sections of this Act alone affect the East-India Company. The remainder therefore are omitted.

Repeal of the Act 4 G. 4, c. 80, except as herein mentioned.

Whereas the exclusive right of trading with the dominions of the Emperor of China, and of trading in tea, now enjoyed by the United Company of Merchants of England trading to the East-Indies, will cease from and after the twenty-second day of April, one thousand eight hundred and thirty-four: and whereas it is expedient that the trade with China, and the trade in tea, should be open to all his Majesty's subjects, and that the restrictions imposed on the trade of his Majesty's subjects with places beyond the Cape of Good Hope to the Straits of Magellan, for the purpose of protecting the exclusive rights of trade heretofore enjoyed by the said Company, should be removed: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the said twenty-second day of April, one thousand eight hundred and thirty-four, an Act passed in the fourth year of the reign of his late Majesty King George the

Fourth, intituled, "An Act to consolidate and amend the several Laws now in force with "respect to Trade from and to Places within the limits of the Charter of the East-India "Company, and to make further Provisions with respect to such Trade, and to amend an "Act of the present Session of Parliament, for the registering of Vessels, so far as it relates "to Vessels registered in India," shall be repealed, except such parts thereof as relate to Asiatic sailors, Lascars, being natives of the territories under the government of the East-India Company, but so as not to revive any Acts or parts of Acts by the said Act repealed; and except also as to such voyages and adventures as shall have been actually commenced under the authority of the said Act; and except as to any suits and proceedings which may have been commenced, and shall be depending on the said twenty-second day of April, one thousand eight hundred and thirty-four; and from and after the said twenty-second day of April, one thousand eight hundred and thirty-four, the enactments hereinafter contained shall come into operation.

Repeal of prohibitions upon the importation of tea and goods from China, imposed by 6 G. 4, c. 107, and 6 G. 4, c. 114.

II. And be it further enacted, that so much of an Act passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled, "An Act for the general Regulation "of the Customs," as prohibits the importation of tea, unless from the place of its growth, and by the East-India Company, and into the port of London; and also so much of the said Act as prohibits the importation into the United Kingdom of goods from China, unless by the East-India Company, and into the port of London; and also so much of the said Act as requires that the manifests of ships departing from places in China shall be authenticated by the chief supercargo of the East-India Company: and also that so much of another Act passed in the said sixth year of the reign of his said late Majesty King George the Fourth, intituled, "An Act to regulate the Trade of the British Possessions abroad," as prohibits the importation of tea into any of the British possessions in America, and into the island of Mauritius, except from the United Kingdom, or from some other British possessions in America, and unless by the East-India Company or with their license, shall be, from and after the twenty-second day of April, one thousand eight hundred and thirty-four, repealed; and thenceforth (notwithstanding any provision, enactment, matter, or thing made for the purpose of protecting the exclusive rights of trade heretofore enjoyed by the said Company, in any Charter of the said Company, in the said Act or any other Act of Parliament contained), it shall be lawful for any of his Majesty's subjects to carry on trade with any countries beyond the Cape of Good Hope to the Straits of Magellan.

All British subjects may carry on trade beyond the Cape of Good Hope to the Straits of Magellan.

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4 & 5 GULIELMI IV. Cap. XXIV.

An Act *to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances, to be made to Persons in respect of their having held Civil Offices in his Majesty's Service.* [25*th July*, 1834.]

57 G. 3, c. 65.

Whereas by an Act passed in the fifty-seventh year of the reign of his late Majesty King George the Third, to enable his Majesty to recompense the services of persons holding or who have held certain high and efficient civil offices, his Majesty is empowered to grant pensions

as therein provided, to persons who shall have served his Majesty, his heirs or successors, in the offices therein mentioned: and whereas by an Act passed in the sixth year of the reign of his late Majesty King George the Fourth, for amending the said recited Act, it is enacted, that the several other offices therein particularly described shall be deemed to be comprised in the several classes of offices in the said recited Act respectively specified: and whereas it is expedient that the amount of the pensions by the said two Acts authorized to be granted should as to future pensions be reduced, and the conditions under which the same shall be granted be altered and regulated: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act no pension to be granted to any person in respect of his having served in any one or more of the offices of First Lord of the Treasury, or of one of his Majesty's Principal Secretaries of State, or Chancellor of the Exchequer, or First Lord of the Admiralty, or President of the Board of Commissioners for the Affairs of India, or President of the Committee of Council appointed for the consideration of matters relating to trade and foreign plantations, shall exceed the sum of two thousand pounds per annum: nor shall any such pension be granted to any person unless he shall have held one or more of the said offices for a period of not less than two years in the whole, either uninterruptedly or at different times; nor shall any more or greater number than four such pensions hereafter to be granted be existing or in force at the same time.

6 G. 4, c. 90.

Pensions to the First Lord of the Treasury, Secretaries of State, Chancellor of the Exchequer, First Lord of the Admiralty, President of the India Board, President of the Board of Trade;

The second and third sections relate to various offices, none of which have any connexion with India.

IV. And be it further enacted, that from and after the passing of this Act the pension, not exceeding one thousand pounds, authorized by the said recited Act to be granted to any person in respect of his having served in any one or more of the offices of one of the Under Secretaries of State, or Clerk of the Ordnance, or Second Secretary of the Admiralty, or one of the Secretaries of the Board of Commissioners for the Affairs of India, shall not be granted to any such person unless he shall have held one or more of the said offices for a period of not less than ten years in the whole, either uninterruptedly or at different times; nor shall any more or greater number than six such last-mentioned pensions be existing or in force at the same time.

Under Secretaries of State, Clerk of the Ordnance, Second Secretary of Admiralty, Secretaries of India Board.

V. Provided always, and be it enacted, that in case it shall happen that any person shall have served his Majesty, his heirs or successors, in more than one class of offices hereinbefore specified, in respect whereof any pension less than two thousand pounds may be granted, it shall be lawful to grant, under the regulations aforesaid, to such person any pension annexed to the highest class of office in which such person may have been employed, whenever the whole period of the service of such person in the several offices in which he shall have been employed shall amount to ten years, although the period of the service of such person in such highest class shall not have extended to the period of five years; provided always, that such person shall have served in such highest class for the period of not less than three years; and in cases in which the service of any such person in any class of those offices shall not be sufficient to entitle him to the pension of that class, it shall be lawful to grant him a pension not exceeding one thousand pounds, provided the period of his aggregate services in that and any inferior class or classes or department of the public service shall amount to ten years; provided also, that there shall not be more than the aforesaid number of pensions to that amount existing at the same time.

Regulation as to period of service.

Declaration to be made by persons claiming pensions.

VI. And whereas the principle of the regulations for granting allowances of this nature is and ought to be founded on a consideration, not only of the services performed by the individual to the state, but of the inadequacy of his private fortune to maintain his station in life; be it therefore enacted, that from and after the passing of this Act, whenever any person shall seek to obtain any one of the pensions before mentioned, his application for that purpose shall be made in writing to the Commissioners of his Majesty's Treasury, to which he shall subscribe his name, and which shall contain, not only a statement of the services performed by him, and the grounds on which such pension is claimed, but a specific declaration that the amount of his income from other sources is so limited as to bring him within the intent and meaning of this Act and the principle herein above declared; and without such declaration no pension as hereinbefore provided or authorized shall be granted.

The seventh section provides that pensions granted under this Act shall be subject to the regulations of 57 Geo. 3, cap. 65, and 6 Geo. 4, cap. 90, except so far as they may be altered or repealed. The principal of those regulations are the following:—no pension is to take effect till the surrender of office; no grant is to be valid unless it contain a provision for the suspension of the pension during the possession of any office producing not less than double the amount, and for reducing the pension by one-half if the office be of equal value or more; upon the acceptance of the pension, any pension previously enjoyed is to cease, except such as may be charged by Act of Parliament upon the Consolidated Fund; payment is to be made quarterly, exempt from fees and deductions, and the warrants, if signed, are not to be determinable by the demise of the Crown, or any change in the Treasury.

The eighth section repeals various Acts and parts of Acts. The remainder of the Act relates to superannuation allowances granted to officers and clerks serving under the Crown, and to the conditions thereof.

5 & 6 GULIELMI IV. Cap. VI.

An Act *to indemnify the Governor-General and other Persons in respect of certain Acts done in the Administration of the Government of the British Territories in the East-Indies subsequent to the Twenty-second Day of April, one thousand eight hundred and thirty-four, and to make those Acts valid.* [13*th April*, 1835.]

Whereas, under and by virtue of an Act of Parliament made and passed in the fourth year of the reign of his present Majesty, intituled, "An Act for effecting an Arrangement with "the East-India Company, and for the better Government of his Majesty's Indian Territories, "till the thirtieth day of April, one thousand eight hundred and fifty-four," the superintendence, direction, and control of the whole civil and military government of all the British territories and revenues in India is vested in a Governor-General and Councillors, styled "The Governor-General of India in Council;" and it is thereby enacted, that there shall be four ordinary members of the said Council, to be appointed by the Court of Directors of the said Company, as therein mentioned; and it is thereby enacted, that the person who should be Governor-General of the Presidency of Fort William in Bengal on the twenty-second day of April, one thousand eight hundred and thirty-four, should be the first Governor-General of India under that Act, and that such persons as should be members of Council of the same presidency on that day should be respectively members of the Council constituted by that Act; and it is also enacted, that the said Council shall from time to time assemble at such place or places as shall be appointed by the said Governor-General in Council within the said territories; and various provisions are made for the administration of the government of the said territories, all of which it is thereby enacted shall commence and take effect from and after the twenty-second day of April then next, (that is to say,) from and after the twenty-second day of April, one thousand eight hundred and thirty-four; and whereas by a commission under the seal of the Honourable the East-India Company, bearing date the twenty-seventh day of December, one thousand eight hundred and thirty-three, duly issued by order of the Court of Directors of the said Company in that behalf, the said Court did appoint Lord William Cavendish Bentinck to be Governor-General of India, to take upon himself the said office upon and from the twenty-second day of April, one thousand eight hundred and thirty-four, and did further appoint William Blunt, esquire, Alexander Ross, esquire, William Byam Martin, esquire, and Thomas Babington Macauley, esquire, to be respectively the first, second, third, and fourth ordinary Members of the said Council; and by another commission bearing the same date the said Court did appoint Sir Charles Theophilus Metcalfe, baronet, to be Governor of the Presidency of Agra, which Presidency is by the said recited Act directed to be constituted, to take upon himself the said office upon and from the said twenty-second day of April, one thousand eight hundred and thirty-four: and whereas, under and by virtue of the former appointments of the Court of Directors of the said Company at the time of issuing the said commissions, and from thence until the twenty-second day of April, one thousand eight hundred and thirty-four, the said Lord William Cavendish Bentinck was Governor of the Presidency of Fort William in Bengal, and the said Sir Charles Theophilus Metcalfe, and the said William Blunt and Alexander Ross were respectively Members of the Council of the said presidency, and in virtue of the provisions

3 & 4 W. 4, c. 85.

of former Acts the said Sir Charles Theophilus Metcalfe was also Vice-President of the said Council: and whereas, on the said twenty-second day of April, one thousand eight hundred and thirty-four, the said Lord William Cavendish Bentinck was, in consequence of ill-health, at Ootacamund in the Presidency of Madras, and the said Sir Charles Theophilus Metcalfe and the aforesaid William Blunt were at Calcutta, and the said Alexander Ross, William Byam Martin, and Thomas Babington Macauley were not in the East-Indies, and Lieutenant-Colonel William Morrison, who had been appointed by the said Court a Provisional Councillor of India, was in Mysore; and for these and other reasons the government of the said presidency, and other the territories belonging to the East-India Company in India was administered for a time otherwise than in accordance with the said recited Act; and it is expedient that the said Lord William Cavendish Bentinck, and Sir Charles Theophilus Metcalfe, and William Blunt, and all other persons by whom the said government was so administered, and all persons acting under the order of them or of any or either of them, should be indemnified in manner hereinafter mentioned, and their acts rendered valid: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said Lord William Cavendish Bentinck, Sir Charles Theophilus Metcalfe, and William Blunt, and also the several persons who at any time after the said twenty-second day of April, one thousand eight hundred and thirty-four, were or acted as Members of the Council of India, and also all persons acting under the authority of them or any or either of them, shall be and they are jointly and severally hereby indemnified, freed, and discharged from and against all actions, suits, prosecutions, and penalties whatsoever, for or on account or in respect of all or any acts, matters, and things whatsoever done, ordered, directed, or authorized by the said Governor-General and Vice-President and Members of Council, or any or either of them, or by any person or persons acting under the authority of them or of any or either of them; so only and provided that such acts, matters, and things shall have been done, ordered, directed, or authorized *bonâ fide* in the exercise of the administration of the government of the British territories in the East-Indies, between the said twenty-second day of April, one thousand eight hundred and thirty-four, and the first day of January, one thousand eight hundred and thirty-five.

Governor - General, Vice - President, and Members of Council in India, &c., indemnified for all acts done by them between 22nd April, 1834, and 1st January, 1835;

II. And be it further enacted and declared, that all such acts, matters, and things shall be as valid and effectual, and shall be and be deemed to be of as much force, validity, and effect as if the same had been expressly authorized by the said recited Act.(1)

and such Acts to be valid.

(1) [See Act of Government of India, No. 1 of 1834, in Appendix.]

5 & 6 GULIELMI IV. Cap. LII.

An Act *to authorize the Court of Directors of the East-India Company to suspend the Execution of the Provisions of the Act of the Third and Fourth William the Fourth, Chapter eighty-five, so far as they relate to the Creation of the Government of Agra.*

[31*st August*, 1835.]

Whereas by an Act of Parliament made and passed in the fourth year of the reign of his present Majesty, intituled, "An Act for effecting an Arrangement with the East-India "Company, and for the better Government of his Majesty's Indian Territories, till the "Thirtieth Day of April, one thousand eight hundred and fifty-four," it is among other things enacted, that the territories then subject to the Government of the Presidency of Fort William in Bengal shall be divided into two distinct presidencies, one of such presidencies, in which shall be included Fort William aforesaid, to be styled the Presidency of Fort William in Bengal, and the other of such presidencies to be styled the Presidency of Agra; and whereas much difficulty has arisen in carrying such enactment into effect, and the same would be attended with a large increase of charge: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for the Court of Directors of the East-India Company, under the direction and control of the Board of Commissioners for the Affairs of India, to suspend the execution of the provisions of the said in part recited Act so far as the same relate to the division of the said territories into two distinct presidencies, and to the measures consequent thereupon, for such time and from time to time as the said Court of Directors, under the direction and control of the said Board of Commissioners, shall think fit.

3 & 4 W. 4, c. 85.

East-India Company may suspend provisions of recited Act as to the division of the territories into two presidencies.

II. And be it further enacted, that for and during such time as the execution of such provisions aforesaid shall be suspended by the authority aforesaid, it shall and may be lawful for the Governor-General of India in Council to appoint from time to time any servant of the East-India Company, who shall have been ten years in their service in India, to the office of Lieutenant-Governor of the North-Western Provinces now under the Presidency of Fort William in Bengal, and from time to time to declare and limit the extent of the territories so placed under such Lieutenant-Governor, and the extent of the authority to be exercised by such Lieutenant-Governor, as to the said Governor-General in Council may seem fit.

Governor-General, during such suspension, may appoint a Lieutenant-Governor of the North-Western Provinces.

The operation of the provisions of 3 & 4 Wm. 4, cap. 85, respecting the establishment of a fourth presidency has been suspended, and a Lieutenant-Governor of the North Western Provinces appointed under this Act. By 16 & 17 Vict. cap. 95, sec. 15, the suspension and the consequent arrangements are to be continued until revoked.

5 & 6 GULIELMI IV. Cap. LXII.

An Act *to repeal an Act of the present Session of Parliament, intituled, "An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof; and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits;" and to make other Provisions for the Abolition of unnecessary Oaths.* [*9th September*, 1835.]

5 W. 4, c. 8.

Whereas an Act was passed in the present session of Parliament, intituled, "An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof; and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits;" and it was thereby enacted that the said Act should commence and take effect from and after the first day of June, in this present year, the year of our Lord one thousand eight hundred and thirty-five, it not being intended that the said recited Act should take effect before the same received the royal assent: and whereas the said recited Act did not receive the royal assent till after the said first day of June, one thousand eight hundred and thirty-five; and whereas it was enacted by the said recited Act, that from and after the first day of June next ensuing it should not be lawful for any justice of the peace to administer or receive such voluntary oaths as are therein mentioned, it being intended that the said prohibition should take effect from the time of the commencement of the said recited Act: and whereas it is expedient to amend the said Act, and to make some further provisions for the better effecting the object thereof, and to consolidate all the provisions relating thereto into one Act: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act the said recited Act shall be and the same is hereby repealed.

Recited Act repealed.

Lords of the Treasury empowered to substitute a declaration in lieu of an oath, &c., in certain cases.

II. And be it further enacted, that in any case where, by any Act or Acts made or to be made relating to the revenues of Customs or Excise, the Post Office, the office of Stamps and Taxes, the office of Woods and Forests, land revenues, works and buildings, the War Office, the Army Pay Office, the office of the Treasurer of the Navy, the Accountant-general of the Navy, or the Ordnance, his Majesty's Treasury, Chelsea Hospital, Greenwich Hospital, the Board of Trade, or any of the offices of his Majesty's principal Secretaries of State, the India Board, the office for auditing the Public Accounts, the National Debt Office, or any office under the control, direction, or superintendence of the Lords Commissioners of his Majesty's Treasury, or by any official regulation in any department, any oath, solemn affirmation, or affidavit might, but for the passing of this Act, be required to be taken or made by any person on the doing of any act, matter, or thing, or for the purpose of verifying any book, entry, or return, or for any other purpose whatsoever, it shall be lawful for the Lords Commissioners of his Majesty's Treasury, or any three of them, if they shall so think fit, by writing under their hands and seals, to substitute a declaration to the same effect as the oath, solemn affirmation, or affidavit, which might but for the passing of this Act be required to be taken

or made; and the person who might under the Act or Acts imposing the same be required to take or make such oath, solemn affirmation, or affidavit, shall, in presence of the commissioners, collector, other officer or person empowered by such Act or Acts to administer such oath, solemn affirmation, or affidavit, make and subscribe such declaration; and every such commissioner, collector, other officer or person, is hereby empowered and required to administer the same accordingly.

III. And be it enacted, that when the said Lords Commissioners of his Majesty's Treasury or any three of them shall, in any such case as hereinbefore mentioned, have substituted, in writing under their hands and seals, a declaration in lieu of an oath, solemn affirmation, or affidavit, such Lords Commissioners shall, so soon as conveniently may be, cause a copy of the instrument substituting such declaration to be inserted and published in the *London Gazette;* and from and after the expiration of twenty-one days next following the day of the date of the *Gazette* wherein the copy of such instrument shall have been published, the provisions of this Act shall extend and apply to each and every case specified in such instrument as well and in the same manner as if the same were specified and named in this Act.

Declaration substituted to be published in the *Gazette*, and, after 21 days from the date thereof, the provisions of this Act to apply;

IV. And be it enacted, that after the expiration of the said twenty-one days it shall not be lawful for any commissioner, collector, officer, or other person to administer or cause to be administered, or receive or cause to be received, any oath, solemn affirmation, or affidavit, in the lieu of which such declaration as aforesaid shall have been directed by the Lords Commissioners of his Majesty's Treasury to be substituted.

and no oath to be administered in lieu of which such declaration has been directed.

V. And be it enacted, that if any person shall make and subscribe any such declaration as hereinbefore mentioned in lieu of any oath, solemn affirmation, or affidavit, by any Act or Acts relating to the revenues of Customs or Excise, Stamps and Taxes, or Post Office, required to be made on the doing of any act, matter, or thing, or for verifying any book, account, entry, or return, or for any purpose whatsoever, and shall wilfully make therein any false statements as to any material particular, the person making the same shall be deemed guilty of a misdemeanor.

False declarations in matters relating to certain revenues a misdemeanor.

VI. Provided always, and be it enacted, that nothing in this Act contained shall extend or apply to the oath of allegiance in any case in which the same now is or may be required to be taken by any person who may be appointed to any office, but that such oath of allegiance shall continue to be required, and shall be administered and taken as well and in the same manner as if this Act had not been passed.

Oath of allegiance still to be required in all cases.

VII. Provided also, and be it enacted, that nothing in this Act contained shall extend or apply to any oath, solemn affirmation, or affidavit which now is or hereafter may be made or taken, or be required to be made or taken, in any judicial proceeding in any Court of justice, or in any proceeding for or by way of summary conviction before any justice or justices of the peace; but all such oaths, affirmations, and affidavits shall continue to be required, and to be administered, taken, and made, as well and in the same manner as if this Act had not been passed. (1)

Oaths in Courts of justice, &c., still to be taken.

(1) [See note on 3 & 4 Wm. 4, cap. 41, sec. 9.]

VIII. And be it enacted, that it shall be lawful for the Universities of Oxford and Cambridge, and for all other bodies corporate and politic, and for all bodies now by law or statute or by any valid usage, authorized to administer or receive any oath, solemn affirmation, or affidavit, to make statutes, by-laws, or orders authorizing and directing the substitution of

Universities of Oxford and Cambridge, and other bodies, may substitute a declaration in lieu of an oath.

a declaration in lieu of any oath, solemn affirmation, or affidavit now required to be taken or made: provided always, that such statutes, by-laws, or orders be otherwise duly made and passed according to the Charter, laws, or regulations of the particular University, other body corporate and politic, or other body so authorized as aforesaid.

Under the above section, the oaths, affidavits, and affirmations required to be taken by proprietors previously to voting at any election of Directors or at any ballot (under 13 Geo. 3, cap. 63, and 3 & 4 Wm. 4, cap. 85), have been discontinued, and their place supplied by a declaration, for which see By-law, chapter VII. section 11.

Sections 16, 17, and 18 relate respectively to proving by declaration in writing the execution of any will, deed, or legal instrument; to proof of debts and accounts on behalf of the Crown, and to voluntary declarations.

Declarations to be in the form prescribed by schedule.

XX. And be it further enacted, that in all cases where a declaration in lieu of an oath shall have been substituted by this Act, or by virtue of any power or authority hereby given, or where a declaration is directed or authorized to be made and subscribed under the authority of this Act, or of any power hereby given, although the same be not substituted in lieu of an oath heretofore legally taken, such declaration, unless otherwise directed under the powers hereby given, shall be in the form prescribed in the schedule hereunto annexed.

Persons making false declaration deemed guilty of a misdemeanor.

XXI. And be it further enacted, that in any case where a declaration is substituted for an oath under the authority of this Act, or by virtue of any power or authority hereby given, or is directed and authorized to be made and subscribed under the authority of this Act, or by virtue of any power hereby given, any person who shall wilfully and corruptly make and subscribe any such declaration, knowing the same to be untrue in any material particular, shall be deemed guilty of a misdemeanor.

Act to take effect after 1st October, 1835.

XXII. And be it enacted, that this Act shall commence and take effect from and after the first day of October in this present year, the year of our Lord one thousand eight hundred and thirty-five.

5 & 6 GULIELMI IV. Cap. LXIV.

An Act *to alter certain Duties of Stamps and Assessed Taxes, and to regulate the Collection thereof.* [*9th September*, 1835.]

The following sections only of this Act have reference to the East-India Company.

Commissioners of the Treasury authorized to compound with the East-India Company for the stamp duties on India bonds.

IV. And whereas it is expedient that the bonds to be made and issued by the East-India Company for the payment of any definite and certain sum of money should be freed and exempted from all stamp duties, upon payment by the said Company of an annual sum as a composition for and in lieu of such duties, in the manner hereinafter mentioned: be it therefore enacted, that from and after the passing of this Act it shall be lawful for the Commissioners of his Majesty's Treasury for the time being, or any three or more of them, from time to time to compound and agree with the East-India Company for the payment by the said Company of such an annual sum of money as the said Commissioners shall deem to be a reasonable composition for and in lieu of the stamp duties which would otherwise be payable on such bonds as aforesaid, to be made and issued by the said Company at any time during the term for which such composition shall be made; which said sum of money so agreed upon shall be paid to the Receiver-General of Stamps and Taxes by two equal half-yearly payments, on such days in every year during the said term as the said Commissioners shall appoint for that purpose, and the payment thereof accordingly shall be secured by the bond of the said Company, which is hereby exempted from stamp duty; and every such composition shall be made either for one year or for any term not exceeding five years, at the discretion of the said Commissioners, and may be renewed and continued from time to time for any further term not exceeding as aforesaid, and for the payment of the same or any greater or less annual sum, as the said Commissioners shall deem to be reasonable; and upon such composition being agreed upon and secured in manner aforesaid, all the bonds for the payment of any definite and certain sum or sums of money which shall be made and issued by the said Company during the term for which such composition shall be made, renewed, or continued, shall be, and the same are hereby freed and exempted from all stamp duties.

Transfers in England of the territorial debt of the East-India Company to be chargeable with a stamp duty of 30*s*. only.

V. And whereas, under and by virtue of the laws in force in Great Britain, the transfer of any share in the stock and funds of the East-India Company, whether upon a sale or otherwise, is subject to a stamp duty of one pound ten shillings: and whereas a portion of the territorial debt of the said Company in India may be transferred from the books of the Company in India to their books in England, and may be transferable in such last-mentioned books in the same manner as the stock and funds of the said Company commonly called East-India stock are now transferable; and it is expedient that all transfers of the said territorial debt which may be made in England should be subject only to the same amount of stamp duty as transfers of shares in the stock and funds of the said Company called East-India Stock are now subject to as aforesaid; be it therefore enacted, that from and after the passing of this Act every transfer of any part of the said territorial debt in the books of the said Company in England, whether upon a sale thereof or otherwise, shall be chargeable with a stamp duty of one pound ten shillings and no more.

Letters of attorney for voting on the election of East-India Directors exempted from stamp duty.

VI. And whereas, under and by virtue of the laws in force in Great Britain and Ireland respectively, letters or powers of attorney are chargeable with certain stamp duties, and it is expedient to exempt from such duties the letters or powers of attorney hereinafter mentioned: be it therefore enacted, that from and after the passing of this Act all letters or powers of attorney for voting on any election of a Director or Directors of the East-India Company shall be and the same are hereby exempted from all stamp duties whatsoever.

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6 & 7 GULIELMI IV. Cap. LIII.

AN ACT *for enabling his Majesty to grant Admiralty Jurisdiction to the Court of Judicature of Prince of Wales's Island, Singapore, and Malacca.* [13*th August*, 1836.]

Whereas it is expedient that his Majesty's Court of Judicature of Prince of Wales's Island, Singapore, and Malacca, should have jurisdiction as a Court of Admiralty; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for his Majesty, by Charter or Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, to grant and commit to the said Court of Judicature of Prince of Wales's Island, Singapore, and Malacca, powers and authorities for the exercise of Admiralty jurisdiction to the same extent, in all respects, as his Majesty's Supreme Court of Judicature at Fort William in Bengal is now by virtue of any Charter or Acts of Parliament authorized to exercise any Admiralty jurisdiction.

Admiralty jurisdiction existing at Fort William extended to Prince of Wales's Island, &c.

By whom the warrant to be countersigned.

II. And be it further enacted, that when it shall please his Majesty to issue any Charter or Letters Patent by virtue of this Act, the warrant for such Charter or Letters Patent shall be countersigned by the President of the Board of Commissioners for the Affairs of India, and by no other person.

Letters Patent for carrying the object of this Act into effect were issued 25th February, 1837.

7 GULIELMI IV. & 1 VICTORIÆ. Cap. XLVII.

An Act *to repeal the Prohibition of the Payment of the Salaries and Allowances of the East-India Company's Officers during their Absence from their respective Stations in India.*

[12*th July*, 1837.]

Whereas, under and by virtue of an Act passed in the thirty-third year of the reign of his Majesty King George the Third, intituled, "An Act for continuing in the East-India Company for a further Term the Possession of the British Territories in India, together with their exclusive Trade, under certain Limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company; and for making Provisions for the good Order and Government of the Towns of Calcutta, Madras, and Bombay;" and of another Act passed in the third and fourth years of the reign of his late Majesty King William the Fourth, intituled, "An Act for effecting an Arrangement with the East-India Company, and for the better Government of his Majesty's Indian Territories till the Thirtieth Day of April, one thousand eight hundred and fifty-four," it is enacted, that "if any Governor or other officer whatever in the service of the said Company shall leave the presidency to which he shall belong, other than in the known actual service of the said Company, the salary and allowances appertaining to his office shall not be paid or payable during his absence to any agent or other person for his use; and in the event of his not returning, or of his coming to Europe, his salary and allowances shall be deemed to have ceased on the day of his leaving the said territories or the presidency to which he may have belonged:" and whereas it is further provided in the said last-mentioned Act, that it shall be lawful for the said Company to make such payment as is now by law permitted to be made to the representatives of their officers or servants, who, having left their stations intending to return thereto, shall die during their absence, and it is expedient that such provision of the law should be altered in manner hereinafter mentioned: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that so much and such part or parts of the said two Acts passed respectively in the thirty-third year of the reign of his Majesty King George the Third, and in the third and fourth years of the reign of his said late Majesty King William the Fourth, and of any other Act or provision of the law, as enacts that if any Governor or other officer whatever in the service of the said Company shall leave the presidency to which he shall belong, other than in the known actual service of the said Company, the salary and allowances appertaining to his office shall not be paid or payable during his absence to any agent or other person for his use, shall not extend to the case of any officer or servant of the Company under the rank of Governor or member of Council who shall quit the presidency to which he shall belong in consequence of sickness, under such rules as may from time to time be established by the Governor-General of India in Council, or by the Governor in Council of such presidency, as the case may be, and who shall proceed to any place within the limits of the East-India Company's Charter, or to the Cape of Good Hope, or to the Mauritius, or to the Island of Saint Helena, nor to the case of any officer or servant of the said Company, under

33 G. 3, c. 52.

3 & 4 W. 4, c. 85.

So much of the provisions of the recited Acts as prohibits the payment of salaries to officers in the service of the East-India Company during their absence shall not extend to cases of sickness;

nor to cases of officers quitting one presidency for another, in order to embark for Europe.

such rank as aforesaid, who, with the permission of the Government of the presidency to which he shall belong, shall quit such presidency in order to proceed to another presidency for the purpose of embarking thence for Europe, until the departure of such officer or servant from such last-mentioned presidency with a view to return to Europe, so as that the port of such departure for Europe shall not be more distant from the place which he shall have quitted in his own presidency than any port of embarkation within such presidency.

No rule valid till approved by Court of Directors, subject to the control of Commissioners for the Affairs of India.

II. Provided always, and be it enacted, that no such rule so to be established as aforesaid shall have any force or validity until the same shall have been approved by the Court of Directors of the said Company, subject to the control of the Commissioners for the Affairs of India, in like manner as is provided by the said Act of the third and fourth years of the reign of his late Majesty King William the Fourth.

Power for the Court of Directors, subject to aforesaid control, to direct the refunding of any part of the allowance paid under any of said rules.

III. And be it further enacted, that it shall be lawful for the said Court of Directors, subject to such control as aforesaid, to direct the refunding, by any officer or servant of the said Company, or by the representatives of any such officer or servant, of the whole or any part of the salary or allowance which he or they may have received under or by virtue of any such rule so to be established as aforesaid, if it shall appear to the said Court, subject to such control as aforesaid, that the permission to such officer or servant to quit the presidency to which he shall belong hath been improperly granted or obtained; and such sum as the said Court, subject to such control as aforesaid, shall direct such officer or servant, or the representatives of such officer or servant, to refund, shall be a debt to the said Company, and shall be recoverable by them in any Court in like manner as any debt may now or hereafter shall be recovered by them.

With reference to this Act, see note (1) on section 79 of 3 & 4 Wm. 4, cap. 85.

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7 GULIELMI IV. & 1 VICTORIÆ. Cap. LXX.

An Act *to authorize the Commissioners for the Affairs of India and the Court of Directors of the East-India Company to suspend the subsisting Enactments concerning the Fourfold System of Nomination of Candidates for the East-India Company's College at Haileybury, and for providing during such Suspension for the Examination of Candidates for the said College.*

[15*th July*, 1837.]

3 & 4 W. 4, c. 85.

Whereas in an Act passed in the third and fourth years of the reign of his present Majesty, intituled, " An Act for effecting an Arrangement with the East-India Company, and for " the better Government of his Majesty's Indian Territories, till the Thirtieth Day of April, " one thousand eight hundred and fifty-four," are contained several enactments respecting the admission of students into the College of the said Company at Haileybury, upon a principle then intended to be brought into practice, of there being four candidates and no more than

one student admitted into the said College for every expected vacancy in the civil establishment of India, according to a yearly prospective estimate by the said Act provided for: and whereas it is expedient to provide, in manner hereinafter mentioned, for the suspension of the same enactments: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the Board of Commissioners for the Affairs of India and the Court of Directors of the East-India Company shall, from the passing of this Act, have and be invested jointly with full power from time to time to suspend and to revive the operation of the said enactments for and during such period or successive periods of time as the said Board of Commissioners and Court of Directors may in their discretion think desirable.(1)

The India Board and Court of Directors may suspend the operation of enactments respecting admission of students;

(1) [The enactments herein referred to were repealed by 16 & 17 Vict. cap. 95, sec. 36.]

II. And whereas, in case of any suspension of the operation of the said enactments it will be expedient to establish some system of examination of candidates for admission to the said College at Haileybury; be it therefore further enacted, that in case the said Board of Commissioners and Court of Directors shall at any time or times hereafter suspend the operation of the said enactments, it shall be lawful for the said Board of Commissioners and they are hereby required to appoint, during the pleasure of the said Board, any competent person or persons to be an examiner or examiners of all candidates for admission to the said College at Haileybury, and to make, and afterwards alter, vary, or repeal, and again make, any regulations or provisions concerning such examinations, but so that during any suspension of the said enactments there shall be and continue in operation some system of examination according to the intent of this enactment.(1)

and in such case the Board to appoint examiners.

(1) [The 1 & 2 Vict. cap. 22 (which follows), empowers the Board of Commissioners for the Affairs of India to make rules for the government of the College, whether the fourfold system of nomination be suspended or not; and by 16 & 17 Vict. cap. 95, the Board are invested with a general power to make regulations not inconsistent with the provisions of that Act, as to age and qualifications of candidates, examinations, admissions, appointments, &c., and to vary such regulations from time to time. See sections 37, 38, 39, 40, 41, and 42.]

III. And be it further enacted, that it shall be lawful for the Court of Directors of the said East-India Company, and they are hereby required, to pay the expenses of any system of examination to be at any time established by virtue of this Act, provided such expenses do not exceed in any one year the sum of five hundred pounds.

Court of Directors to pay expenses of system of examination.

IV. And be it further enacted, that so much of an Act passed in the thirty-third year of the reign of his late Majesty King George the Third, intituled, "An Act for continuing in "the East-India Company for a further Term the Possession of the British Territories in India, "together with their exclusive Trade, under certain Limitations; for establishing further "Regulations for the Government of the said Territories, and the better Administration of

Part of 33 G. 3, c. 52, repealed.

"Justice within the same; for appropriating to certain Uses the Revenues and Profits of "the said Company; and for making Provision for the Good Order and Government of the "Towns of Calcutta, Madras, and Bombay," as enacts that no person shall be appointed or sent out to India as a writer after he has attained the age of twenty-two years, shall be and the same is hereby repealed.

Limiting the ages of students and writers.

V. Provided always, and it is hereby further enacted, that it shall not be lawful for any person to be admitted to the said College as a student whose age shall exceed twenty-one years, nor for any person to be appointed or sent out to India as a writer in the said Company's service whose age shall exceed twenty-three years.(1)

(1) [By 16 & 17 Vict. cap. 95, secs. 39 and 40, the power of determining as to the age of persons admitted to the College or appointed to the Civil Service is given to the Board.]

All persons appointed or sent out as writers since 10th April, 1834, and previously to 10th April, 1839, to be deemed duly appointed.

VI. And be it further declared and enacted, that all persons who since the tenth day of April, one thousand eight hundred and thirty-four, have been appointed or sent out to India, as writers in the said Company's service, after receiving a certificate of their due qualification under the hand of the principal of the said College, and all persons who previously to the tenth day of April, one thousand eight hundred and thirty-nine, shall be appointed or sent out to India as writers in the said Company's service, after receiving such certificate of their due qualification, shall be deemed to have been and to be duly appointed as writers, notwithstanding such persons may not have resided for four terms at the said College.

Rules made in pursuance of this Act to be laid before Parliament.

VII. And be it further enacted, that any rules made for the admission of students into the East-India College at Haileybury by the Commissioners for the Affairs of India, in pursuance of the provisions of this Act, shall be laid before both Houses of Parliament within fourteen days after the commencement of the session of Parliament then next ensuing.(1)

(1) [By 16 & 17 Vict. cap. 95, sec. 38, all rules made by the Board under the provisions of that Act, are to be laid before Parliament within fourteen days after being made, or if Parliament be not sitting, within fourteen days after its next meeting.]

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1 & 2 VICTORIÆ. Cap. XXII.

An Act *to enable the Commissioners for the Affairs of India to make Rules and Regulations for Haileybury College.* [*9th May*, 1838.]

4 W. 4, c. 85.

Whereas in an Act passed in the fourth year of the reign of his late Majesty King William the Fourth, intituled, "An Act for effecting an Arrangement with the East-India Company, "and for the Government of his Majesty's Indian Territories, till the Thirtieth Day of April, "one thousand eight hundred and fifty-four," are contained several enactments respecting the admission of students into the College of the said Company at Haileybury, upon a principle

then intended to be brought into practice, of there being four candidates and no more than one student admitted into the said College for every expected vacancy in the civil establishment of India, according to a yearly prospective estimate by the said Act provided for; and by such enactments it was provided, amongst other things, that it should be lawful for the said Commissioners to form such rules, regulations, and provisions for the good government of the said College as in their judgment should appear best adapted to secure fit candidates for admission into the same, and for the examination and qualifications of such candidates, and of the students of the said College, after they should have completed their residence there, and for the appointment and remuneration of proper examiners; and such rules, regulations, and provisions were to be submitted to her Majesty in Council, for her revision and approbation: and whereas by virtue of an Act passed in the last session of Parliament, intituled, "An Act "to authorize the Commissioners for the Affairs of India and the Court of Directors of the "East-India Company to suspend the subsisting Enactments concerning the fourfold System "of Nomination of Candidates for the East-India Company's College at Haileybury, and for "providing during such suspension for the Examination of Candidates for the said College," the said Commissioners and Court of Directors have suspended the said enactments: and whereas, notwithstanding such suspension, or any future suspension of the said enactments, it is expedient that the said Commissioners should have power to frame rules for the government of the said College, as hereinafter mentioned; be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for the Board of Commissioners for the Affairs of India, from time to time, whether the said enactments shall or shall not be suspended, to frame and make such rules, regulations, and provisions for the good government of the said College as in their judgment shall appear best adapted to secure the appropriate education of young men intended for the civil service of the East-India Company in India, and from time to time, by any new or other rules, regulations, or provisions, to revoke or alter the same, as to such Commissioners may seem fit: provided always, that no rules, regulations, or provisions to be framed or made under the authority of this Act shall have any force or effect until the same shall have been submitted to her Majesty, and until her Majesty's approbation thereof shall have been signified by an order of her Majesty in Council: provided also, that notice of all such rules, regulations, and provisions shall be given by the said Commissioners to the Court of Directors of the East-India Company twenty-one days at least previously to the same being submitted to her Majesty for approbation as aforesaid. (1)

7 W. 4 & 1 Vict. c. 70.

Commissioners for the Affairs of India to make rules for the government of Haileybury College.

(1) [See notes on sec. 2 of 7 Wm. 4 & 1 Vict. cap. 70, and on sec. 5 of the same Act.]

East-India Company may appoint and send to India as writer any student who has conformed to the rules of the College.

II. And be it enacted, that it shall be lawful for the Court of Directors of the East-India Company to nominate, appoint, and send to any of the presidencies for the time being in the East-Indies any person in the capacity of a writer who shall have been duly entered at such College, and have resided there the number of terms which shall be prescribed by any such rules and regulations as aforesaid, and who shall produce to the said Court of Directors a certificate under the hand of the principal of the said College testifying that he has duly conformed to the rules and regulations of the said College. (1)

(1) [See sec. 41 of 16 & 17 Vict. cap. 95.]

Act may be amended this session.

III. And be it enacted, that this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

1 & 2 VICTORIÆ. Cap. LXXVII.

An Act *for permitting Affirmation to be made instead of an Oath in certain Cases.* [10*th August*, 1838.]

7 & 8 W. 3, c. 34.

Whereas by an Act passed in the reign of King William the Third, intituled, "An Act "that the Solemnization, Affirmation, and Declaration of the People called Quakers shall be "received instead of an Oath in the usual form," reciting that divers Dissenters, commonly called Quakers, refusing to take an oath in Courts of justice and other places, are frequently imprisoned and their estates sequestered by process of contempt issuing out of such Courts, to the ruin of themselves and families, it is enacted that every Quaker on every occasion (except on criminal trials) where an oath is by law required, shall be permitted to make solemn affirmation and declaration in lieu thereof: and whereas the same privilege has by subsequent Acts of Parliament been extended in all cases to the persons called Quakers and Moravians: and whereas it is expedient and fitting that the aforesaid privilege should be extended to such persons as have been Quakers and Moravians, but have ceased to belong to either of such religious denominations of Christians, still continuing nevertheless to entertain conscientious objections to the taking of an oath: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for any person who shall have been a Quaker or a Moravian to make solemn affirmation and declaration in lieu of taking an oath, as fully as it would be lawful for any such person to do if he still remained a member of either of such religious denominations of Christians, which said affirmation or declaration shall be of the same force and effect as if he or she had taken an oath in the usual form; and if any such person making such solemn affirmation or declaration shall be convicted of having wilfully, falsely, and corruptly affirmed or declared any matter or thing which, if the same had been sworn in the usual form, would have amounted to wilful and corrupt perjury, every such offender shall be subject to the same pains, penalties, and forfeitures to which persons convicted of wilful and corrupt perjury are or shall be subject: provided always, that every such affirmation or declaration shall be in the words following; that is to say,

Certain persons may make affirmation in lieu of oath;

if convicted of having falsely affirmed, to be punished as if guilty of perjury.

Form of declaration.

"I, *A. B.*, having been one of the people called Quakers [*or* one of the persuasion of "the people called Quakers, *or* of the United Brethren called Moravians, *as the case* "*may be*], and entertaining conscientious objections to the taking of an oath, do "solemnly, sincerely, and truly declare and affirm."

The 7 & 8 Wm. 3, cap. 34 (recited in this Act), allowed the solemn affirmation of a Quaker to be received on all occasions except on criminal trials.

By various enactments in this collection it is prescribed that the solemn affirmation of a Quaker is to be taken in the cases referred to in place of the oath required from others. The 3 & 4 Wm. 4, cap. 49, allowed of the substitution of the solemn affirmation or declaration of a Quaker in all cases where an oath might be required, either by

common law or Act of Parliament. The same privilege, and to the like extent, was by that Act afforded to Moravians, and by 3 & 4 Wm. 4, cap. 82, to the people called Separatists. On this subject see note on 3 & 4 Wm. 4, cap. 41, sec. 9.

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1 & 2 VICTORIÆ. Cap. CVI.

An Act *to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy.*

[14*th August*, 1838.]

The following section appears to be the only one in this Act requiring insertion here.

XXXVII. And be it enacted, that no spiritual person, being head ruler of any College or Hall within either of the Universities of Oxford or Cambridge, or being Warden of the University of Durham, or being head master of Eton, Winchester, or Westminster School, or Principal or any Professor of the East-India College, having been appointed such Principal or Professor before the time of the passing of this Act, and not having respectively more than one benefice with cure of souls, shall be liable to any of the penalties or forfeitures in this Act contained for or on account of non-residence on any benefice. Certain persons exempt from penalties for non-residence.

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1 & 2 VICTORIÆ. Cap. CX.

An Act *for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases; for extending the Remedies of Creditors against the Property of Debtors; and for amending the Laws for the Relief of Insolvent Debtors in England.*

[16*th August*, 1838.]

The only sections of this Act requiring insertion in this volume appear to be those which follow.

XIV. And be it enacted, that if any person against whom any judgment shall have been entered up in any of her Majesty's Superior Courts at Westminster shall have any Government stock, funds, or annuities, or any stock or shares of or in any public company in England (whether incorporated or not), standing in his name in his own right, or in the Stock and shares in public funds and public companies belonging to the debtor, and standing in his own name,

to be charged by order of a judge.

name of any person in trust for him, it shall be lawful for a judge of one of the Superior Courts, on the application of any judgment creditor, to order that such stock, funds, annuities, or shares, or such of them or such part thereof respectively as he shall think fit, shall stand charged with the payment of the amount for which judgment shall have been so recovered, and interest thereon; and such order shall entitle the judgment creditor to all such remedies as he would have been entitled to if such charge had been made in his favour by the judgment debtor; provided that no proceedings shall be taken to have the benefit of such charge until after the expiration of six calendar months from the date of such order.

Order of judge to be made in the first instance *ex parte*, and on notice to the Bank or Company to operate as a *distringas*.

XV. And in order to prevent any person against whom judgment shall have been obtained from transferring, receiving, or disposing of any stock, funds, annuities, or shares hereby authorized to be charged for the benefit of the judgment creditor under an order of a judge, be it further enacted, that every order of a judge charging any Government stock, funds, or annuities, or any stock or shares in any public company, under this Act, shall be made in the first instance *ex parte*, and without any notice to the judgment debtor, and shall be an order to show cause only; and such order, if any Government stock, funds, or annuities standing in the name of the judgment debtor in his own right, or in the name of any person in trust for him, is to be affected by such order, shall restrain the Governor and Company of the Bank of England from permitting a transfer of such stock in the mean time and until such order shall be made absolute or discharged; and if any stock or shares of or in any public company, standing in the name of the judgment debtor in his own right, or in the name of any person in trust for him, is or are to be affected by any such order, shall in like manner restrain such public company from permitting a transfer thereof; and that if, after notice of such order to the person or persons to be restrained thereby, or in case of corporations to any authorized agent of such corporation, and before the same order shall be discharged or made absolute, such corporation or person or persons shall permit any such transfer to be made, then and in such case the corporation or person or persons so permitting such transfer shall be liable to the judgment creditor for the value or amount of the property so charged and so transferred, or such part thereof as may be sufficient to satisfy his judgment; and that no disposition of the judgment debtor in the mean time shall be valid or effectual as against the judgment creditor; and further, that, unless the judgment debtor shall, within a time to be mentioned in such order, show to a judge of one of the said Superior Courts sufficient cause to the contrary, the said order shall, after proof of notice thereof to the judgment debtor, his attorney or agent, be made absolute: provided that any such judge shall, upon the application of the judgment debtor, or any person interested, have full power to discharge or vary such order, and to award such costs upon such application as he may think fit.

In reference to the above two sections, see 3 & 4 Vict. cap. 82.

Powers now vested in the Court for Relief of Insolvent Debtors, continued for the purposes herein mentioned.

XXIII. And whereas it is expedient to continue, for the purposes hereinafter mentioned, the laws now in force for the relief of insolvent debtors in England, and to make further provision for the relief of insolvent debtors; be it therefore further enacted, that from and after the passing of this Act the powers vested in the Court now established for the relief of insolvent debtors in England shall be and the same are hereby continued and vested in the Court to be continued by virtue of this Act, as hereinafter provided, in so far as the same relate to or may be exercised in the matters of the petitions of any persons who, before the time appointed for the commencement of this Act, shall have petitioned the said Court now established for relief, under the provisions of any Act or Acts for the relief of insolvent debtors in England, or of any persons who have obtained their discharge by virtue of any

Act for the relief of insolvent debtors in England; and that all things shall and may be done by all persons relating to the matters of all such petitions which such persons might have done if the laws now in force with respect to insolvent debtors in England had been continued by this Act.

The above section continues in certain cases the operation of the former laws for the relief of insolvent debtors. Those which follow apply to cases of insolvency under this Act.

LIV. And be it enacted, that if any such prisoner shall at the time of filing such petition as aforesaid, whether such petition shall have been preferred by himself or by any such creditor as aforesaid, or at any time before such prisoner shall become entitled to his final discharge according to this Act, have any Government stocks, funds, or annuities, or any of the stock of any public company, either in England, Scotland, or Ireland, standing in his own name in his own right, it shall be lawful for the said Court for the Relief of Insolvent Debtors, whenever it shall deem fit so to do, to order all persons whose act or consent is thereto necessary to transfer the same into the name of such assignee or assignees as aforesaid; and all such persons whose act or consent is so necessary as aforesaid are hereby indemnified for all things done or permitted pursuant to such order.

Where the prisoner is beneficially entitled to stock, the Court may order a transfer.

LVI. And be it enacted, that nothing in this Act contained shall extend to entitle the assignee or assignees of the estate and effects of any such prisoner, being or having been an officer of the army or navy, or an officer or clerk, or otherwise employed or engaged in the service of her Majesty, in the Customs or Excise, or any civil office, or other department whatsoever, or being or having been in the naval or military service of the East-India Company, or an officer or clerk or otherwise employed or engaged in the service of the Court of Directors of the said Company, or being otherwise in the enjoyment of any pension whatever under any department of her Majesty's Government or from the said Court of Directors, to the pay, half-pay, salary, emoluments, or pension of any such prisoner, for the purposes of this Act: provided always, that it shall be lawful for the said Court to order such portion of the pay, half-pay, salary, emoluments, or pension of any such prisoner, as on communication from the said Court to the Secretary at War, or the Lords Commissioners of the Admiralty, or the Commissioners of the Customs or Excise, or the chief officer of the department to which such prisoner may belong or have belonged, or under which such pay, half-pay, salary, emoluments, or pension may be enjoyed by such prisoner, or the said Court of Directors, he or they may respectively, under his or their hands or under the hand of his or their chief secretary, or other chief officer for the time being, consent to in writing, to be paid to such assignee or assignees, in order that the same may be applied in payment of the debts of such prisoner; and such order and consent being lodged in the office of her Majesty's Paymaster-general, or of the Secretary of the said Court of Directors, or of any other officer or person appointed to pay, or paying, any such pay, half-pay, salary, emoluments, or pension, such portion of the said pay, half-pay, salary, emoluments, or pension as shall be specified in such order and consent shall be paid to the said assignee or assignees, until the said Court shall make order to the contrary.

Assignees' power not to extend to the pay or pension of naval, military, or civil officers.

Portion of pay or pension may be obtained on application.

2 & 3 VICTORIÆ. Cap. XXXIV.

An Act *to confirm certain Rules and Orders of the Supreme Courts of Judicature at Fort William and Madras; and to empower the same Courts, and the Supreme Court of Judicature of Bombay, to make Rules and Orders concerning Pleadings.* [*29th July*, 1839.]

The rules for altering the mode of pleading in the Supreme Courts of Fort William and Madras deemed to have been lawfully made.

Whereas the Supreme Court of Judicature at Fort William in Bengal, on the fifteenth day of June, one thousand eight hundred and thirty-seven, and the Supreme Court of Judicature at Madras, on the twenty-second day of February, one thousand eight hundred and thirty-seven, made and passed certain rules and orders whereby the modes of pleading in the same Courts respectively were in some respects altered; and doubts have arisen as to the powers of the same Courts to make such alterations without the authority of Parliament: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said rules and orders, so far as they altered the modes of pleading in the said Supreme Courts at Fort William and Madras respectively, shall be deemed and taken to all intents to have been lawfully made, and to have had and still to have the force of law.

Supreme Courts at Bombay, Fort William, and Madras may pass rules for altering the modes of pleading.

II. And whereas it is expedient to provide for giving validity to any rules or orders which may be made by the Supreme Court of Judicature at Bombay for altering the modes of pleading therein, and also to any other rules or orders which may hereafter be made by the said Supreme Courts of Fort William and Madras, or either of them, respecting the modes of pleading in the same Courts respectively; be it therefore enacted, that the said Supreme Court of Bombay shall and may, by any rules or orders to be from time to time passed by the said Court, make such alterations, and the said Supreme Courts of Fort William and Madras shall and may, by any other rules or orders to be from time to time passed by the said Courts respectively, make such further alterations in the mode of pleading in the said Courts respectively, or in the mode of entering and transcribing pleadings, judgments, and other proceedings in actions at law or suits in equity, or any civil or ecclesiastical causes, and such regulations as to the payment of costs, and otherwise for carrying into effect any such alterations, as to the said Courts respectively may seem expedient; and all such rules, orders, or regulations shall be submitted for confirmation or disallowance to the Governor-General of India in Council immediately upon the making of the same; and every such rule, order, or regulation shall to all intents and purposes have full effect after it shall have been confirmed by the said Governor-General of India in Council; but every such rule, order, and regulation, when so confirmed, shall be transmitted to her Majesty, her heirs or successors, in Council, and shall be subject at any time to be altered or rescinded by her said Majesty, her heirs or successors, in Council: provided always, that no rule or order to be made by virtue of this Act shall have the effect of depriving any person of the power of pleading the general issue and giving the special matter in evidence in any case wherein he is now or hereafter shall be entitled to do so by virtue of any Act of Parliament now or hereafter to be in force.

Such rules to be subject to confirmation by the Governor-General; and may be altered or rescinded by the Privy Council.

Act not to affect rights and powers of Supreme Courts.

III. And be it enacted, that nothing herein contained shall be construed to affect any rights, powers, or privileges now belonging to or inherent in the said Supreme Courts of Judicature respectively.

3 & 4 VICTORIÆ. Cap. XXXVII.

An Act *to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East-India Company, and for providing for the Observance of Discipline in the Indian Navy, and to amend the Laws for Regulating the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers dying in Service.* [4*th August*, 1840.]

This Act was repealed by 12 & 13 Vict. cap. 43, with the exceptions of secs. 43 to 47, which related to the Indian Navy. By section 43 the Governor-General in Council was empowered to make laws and regulations enforcing discipline in that force, the right of disallowance being reserved to the Court and Board by section 44, while it was provided that, until repealed, laws made as above should remain in force. Section 46 provided, that without the previous sanction of the Court of Directors, it should not be lawful to give power by any such law to any Court, other than the Courts of justice established by Royal Charter, to sentence to the punishment of death any of her Majesty's subjects born in Europe, or the children of such subjects. Until the power thus given to the Governor-General in Council should be acted upon, it was declared by section 47, that the provisions of the Act 3 & 4 Vict. cap. 37, should be applicable to the Indian Navy. In the exercise of the authority above referred to, the Governor-General in Council, under the sanction of the Court of Directors previously given, framed Regulations for the Indian Navy, which are contained in Act of the Government of India, No. 12 of 1844. This Act (No. 12 of 1844) was amended by another Act also previously sanctioned in like manner, being No. 27 of 1848. The Act of the British Parliament, 3 & 4 Vict. cap. 37, has consequently now no effect whatever. In addition to the Acts of the Government of India already mentioned, No. 14 of 1849, "to punish tampering with the Army or Navy," may also be referred to.

3 & 4 VICTORIÆ. Cap. LVI.

An Act *further to regulate the Trade of Ships built and trading within the Limits of the East-India Company's Charter.*

[*7th August*, 1840.]

In connection with this Act, see Acts of Government of India, No. 10 of 1841, and No. 11 of 1850.

55 G. 3, c. 116. Whereas by an Act passed in the fifty-fifth year of the reign of his late Majesty King George the Third, intituled, "An Act to make further Regulations for the Registry of Ships "built in India," it was enacted, that nothing in that, or in the therein recited Acts, or in any other Act contained, should subject any ship or vessel built or to be built within the limits of the Charter of the East-India Company, which should not be of the burthen of three hundred and fifty tons, or any ship or vessel built within the limits of the Charter of the said Company, then the property of any of his said Majesty's subjects within the limits aforesaid, and employed in trade as theretofore, solely within the said limits, including the Cape of Good Hope, or any ship or vessel which then was, or at any time before the first day of January in the year one thousand eight hundred and sixteen should be, building within the limits aforesaid, on account of any of his said Majesty's subjects within the said limits, and should be employed in trade solely within the said limits, including the Cape of Good Hope, to any penalty, forfeiture, disability, or impediment, by reason of such ship or vessel not being registered, and not being British-built, or to affect the property or any transfer of property in any such ship or vessel as aforesaid which should not be registered: and whereas by an Act
4 G. 4, c. 41. passed in the fourth year of his late Majesty King George the Fourth, intituled, "An Act "for the registering of Vessels," and by another Act passed in the same session, intituled,
4 G. 4, c. 80. "An Act to consolidate and amend the several Laws now in force with respect to Trade from "and to places within the Limits of the Charter of the East-India Company, and to make "further Provisions with respect to such Trade; and to amend an Act of the present "Session of Parliament, for the Registry of Vessels, so far as it relates to vessels registered "in India," the said recited Act of the fifty-fifth year of King George the Third was repealed: and whereas by an Act passed in the session held in the third and fourth years of
3 & 4 W. 4, c. 59. the reign of King William the Fourth, intituled, "An Act to regulate the Trade of the "British Possessions abroad," it was among other things enacted, that all ships built at any place within the limits of the East-India Company's Charter prior to the first of January, one thousand eight hundred and sixteen, and which then were and had continued ever since to be solely the property of his Majesty's subjects, should be deemed to be British ships for all the purposes of trade within the said limits, including the Cape of Good Hope: and
3 & 4 W. 4, c. 55. whereas, under and by virtue of an Act passed in the same session, intituled, "An Act for "the Registering of British Vessels," ships or vessels built in any ports in the territories under the Government of the said Company, being owned by British subjects, and being registered in manner therein provided for, are entitled to all the privileges and advantages of a British registered ship; but it is expedient further to regulate the trade of ships built and trading within the limits of the East-India Company's Charter, including the Cape of Good Hope and the territories and dependencies thereof, and in the mean time to restore to the ships or vessels so described as aforesaid in the said recited Act of the fifty-fifth year of King

George the Third the enjoyment of the privileges to which they were thereby entitled; and it is fit that indemnity should be afforded in respect of the consequences of the repeal of such privileges by the said Acts of the fourth year of King George the Fourth or either of them: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that in the mean time and until such declaration by proclamation shall be made by the Governor-General in Council as hereinafter is authorized, as well all ships mentioned in the said enactment contained in the said first-recited Act of King William the Fourth, as also all other ships or vessels so as aforesaid described in the said Act of the fifty-fifth year of the reign of King George the Third, shall have and enjoy the same privileges as were thereby given to such ships or vessels.

Until proclamation, all vessels to be entitled to privileges given by 55 G. 3, c. 116.

II. And be it enacted, that for all purposes of indemnity and discharge from all actions, suits, prosecutions, penalties, forfeitures, disabilities, or impediments, and for all purposes of confirming and giving validity to all sales, assignments, mortgages, contracts, engagements, bonds, policies of assurance, gifts, bequests, rights, titles, interests, matters, and things whatsoever, which but for the said recited repeal of the said privileges, would have been valid and effectual in law, and for all other beneficial purposes whatever, this Act shall have the same force and effect as if the said Act of the fifty-fifth year of the reign of King George the Third had never been repealed.

This Act to have the same force as 55 G. 3, c. 116.

III. And be it enacted, that it shall be lawful for the Governor-General of India in Council, by proclamation, to declare that all ships or vessels, built or to be built within the limits of the Charter of the East-India Company, being owned by her Majesty's subjects for whom the said Governor-General in Council has power to legislate, and belonging, under the regulations hereinafter provided for, to any ports in the territories under the government of the said Company, shall be deemed to be British ships for all the purposes of trade within the said limits, including the Cape of Good Hope and the territories and dependencies thereof; provided that upon such declaration being made, the said Governor-General in Council shall, and the said Governor-General in Council is hereby accordingly empowered, to make regulations, to be enforced by suitable penalties, concerning the registering, licensing, and ascertaining the admeasurement of the tonnage and burthen, and generally for the trading within the limits aforesaid of such ships or vessels, any thing in any Act to the contrary notwithstanding; which regulations shall be of equal force and effect with any laws and regulations which the said Governor-General in Council is authorized to make, but shall be subject to disallowance and repeal, and shall in the same manner be transmitted to England, and be laid before both Houses of Parliament, as in the case of any other laws or regulations which the said Governor-General in Council is now by law empowered to make.

Governor-General enabled to declare what ships shall be considered as British.

IV. And whereas it may be expedient to admit to similar privileges and advantages any ships or vessels belonging to native princes or states in subordinate alliance with, or having subsidiary treaties with the East-India Company, or owned by subjects of any such princes or states; be it therefore enacted, that the Governor-General of India in Council may by such regulations as aforesaid, such regulations being subject as aforesaid, admit to the privileges and advantages of British ships, for the purposes of trade within the limits of the Charter of the said Company, including the Cape of Good Hope, and the territories and dependencies thereof, or to any of such privileges and advantages, any ships or vessels belonging to such princes or states or any of them, or owned by subjects of any such princes or states; but any such regulations shall provide for the granting to such ships or vessels fit

Ships belonging to native powers may be admitted to privileges of British ships.

and convenient licenses or passes, and generally for the trading within the limits aforesaid of such ships or vessels.

Giving legal validity to acts of Governors of presidencies for regulating trade.

V. And whereas vessels exceeding the burthen of three hundred and fifty tons, built in ports within the limits of the East-India Company's Charter since the first day of January, one thousand eight hundred and sixteen, and owned by British subjects, and vessels built in ports within the limits aforesaid, owned by native princes or states in subordinate alliance with, or having subsidiary treaties with the East-India Company, or by the subjects of such princes or states, may have heretofore engaged and may be now engaged in trade within such limits, under some license, authority, or sanction of the respective Governments of the several presidencies in India; and it is expedient that full legal validity and effect should be given to all acts of the said Governments respectively in reference to any trading; be it therefore enacted, that all acts and documents whatever, done, given, or issued by any of the said Governments in reference to the trading of the two classes of vessels last hereinbefore mentioned, shall be deemed and construed to have had for all purposes full legal validity and effect from the respective times when such acts and documents may have been done, given, or issued respectively, and shall for all purposes continue to have such validity and effect until the Governor-General of India in Council shall make other provisions in respect of the trading of such classes of vessels respectively under the authority of this Act.

Provisions of Act for registering British vessels to have full force in East-Indian territories.

VI. And whereas doubts have been entertained whether the provisions and remedies enacted and contained in an Act passed in the session held in the third and fourth years of the reign of his late Majesty King William the Fourth, intituled, "An Act for the Registering of "British Vessels," in cases of the wilful detention and refusal to deliver up the certificate of the registry of any ship or vessel to the proper officer or other persons authorized and entitled in that behalf, as in the said last-mentioned Act is specified, extend to and are in force in the territories under the government of the East-India Company; and it is expedient that such doubts should be removed; be it therefore declared and enacted, that the said several provisions and remedies in the said last-mentioned Act contained, touching the wilful detention of such certificate of registry, or the absconding of any person in possession of the same, shall be deemed and taken to extend to, and shall extend to and be in force in the said territories under the government of the East-India Company.

Matters directed to be performed before Governors of any particular place may be performed in presence of Governor-General of India, &c.

VII. And be it enacted, that wherever in and by the said Act it is directed or provided that any act, matter, or thing shall and may be done or performed by, to, or with the Governor, Lieutenant-Governor, or Commander-in-chief of any place where any ship or vessel may be registered under the authority of the same Act, the same shall or may be done or performed in the territories under the government of the East-India Company, by, to, or with the Governor-General of India in Council, or the Governor of the presidency of Fort William in Bengal, or the respective Governors in Council or Governors of the presidencies of Fort Saint George and Bombay, or the Governor of Prince of Wales' Island, Singapore, and Malacca, or the respective resident councillors at Singapore and Malacca, according to circumstances, and as the case may be.

For staying proceedings in certain cases.

VIII. And be it enacted, that in all cases in which by the said last-mentioned Act it is made lawful for any Governor, Lieutenant-Governor, or Commander-in-chief of any of her Majesty's colonies, plantations, islands, or territories, and they are thereby authorized and required, if any suit, information, libel, or other prosecution or proceeding, of any nature or kind whatever, shall have been commenced or shall hereafter be commenced in any Court whatever in any of the said colonies, plantations, islands, or territories respectively, touching

the force and effect of any register granted to any ship or vessel, upon a representation made to any such Governor, Lieutenant-Governor, or Commander-in-chief, to cause all proceedings thereon to be stayed, as in the said last-mentioned Act is provided, it shall be lawful, in the territories under the government of the East-India Company, for the Governor-General of India in Council, or the Governor of the said presidency of Fort William in Bengal, or for the respective Governors in Council, or Governors of the said presidencies of Fort Saint George and Bombay, or the Governor of Prince of Wales' Island, Singapore, and Malacca, according to circumstances, and as the case may be, and they are respectively authorized and required, if any such suit, information, libel, or other prosecution or proceeding whatever shall have been commenced or shall hereafter be commenced in any of her Majesty's Courts whatever, in or in any place subordinate to the said several presidencies, or the government of Prince of Wales' Island, Singapore, and Malacca respectively, touching the force and effect of any register granted to any ship or vessel, upon a representation made to any such Governor-General of India in Council, or Governor of the said presidency of Fort William in Bengal, or Governors in Council, or Governors of the said presidencies of Fort Saint George and Bombay respectively, or such Governor of Prince of Wales' Island, Singapore, and Malacca, according to circumstances, and as the case may be, to cause all proceedings thereon to be stayed, if he shall see just cause so to do, until her Majesty's pleasure shall be known and certified to him by her Majesty, by or with the advice of her Majesty's Privy Council: and such Governor-General of India in Council, or Governor of the said presidency of Fort William in Bengal, or Governor in Council, or Governor of the said presidencies of Fort Saint George and Bombay respectively, or such Governor of Prince of Wales' Island, Singapore, and Malacca respectively, is hereby required to transmit to the Court of Directors of the East-India Company, to be by them forthwith forwarded to the President of the Board of Commissioners for the Affairs of India, to be laid before her Majesty in Council, an authenticated copy of the proceedings in every such case, together with his reasons for causing the same to be stayed, and such documents properly verified as he may judge necessary for the information of her Majesty.

IX. And be it enacted, that the term, "Limits of the East-India Company's Charter," shall for all purposes of this Act be construed to mean all places and seas eastward of the Cape of Good Hope to the Straits of Magellan. *Construction of term.*

The 17 & 18 Vict. cap. 104, sec. 108, reserves this Act (3 & 4 Vict. cap. 56) from being repealed or affected by any thing contained in the Act aforesaid (17 & 18 Vict. cap. 104).

3 & 4 VICTORIÆ. Cap. LXXXII.

AN ACT *for further amending the Act for abolishing Arrest on Mesne Process in Civil Actions.* [*7th August*, 1840.]

1 & 2 Vict. c. 110.

Whereas by an Act passed in the second year of the reign of her Majesty, intituled, "An "Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases; "for extending the Remedies of Creditors against the Property of Debtors; and for amending "the Laws for the Relief of Insolvent Debtors in England," it was amongst other things enacted, that if any person against whom any judgment should have been entered up in any of her Majesty's superior Courts at Westminster should have any Government stock, funds, or annuities, or any stock or shares of or in any public company in England (whether incorporated or not), standing in his name in his own right, or in the name of any person in trust for him, it should be lawful for a Judge of one of the superior Courts, on the application of any judgment creditor, to order that such stock, funds, annuities, or shares, or such of them, or such part thereof respectively as he should think fit, should stand charged with the payment of the amount for which judgment should have been so recovered, and interest thereon, and such order should entitle the judgment creditor to all such remedies as he would have been entitled to if such charge had been made in his favour by the judgment debtor; provided that no proceedings should be taken to have the benefit of such charge until after the expiration of six calendar months from the date of such order: and whereas doubts have been entertained whether the said provisions extend to the cases hereinafter mentioned: now therefore be it declared and enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the aforesaid provisions of the said Act shall be deemed and taken to extend to the interest of any judgment debtor, whether in possession, remainder, or reversion, and whether vested or contingent, as well in any such stocks, funds, annuities, or shares as aforesaid, as also in the dividends, interest, or annual produce of any such stock, funds, annuities, or shares; and whenever any such judgment debtor shall have any estate, right, title, or interest, vested or contingent, in possession, remainder, or reversion, in, to, or out of any such stocks, funds, annuities, or shares as aforesaid which now are or shall hereafter be standing in the name of the Accountant-General of the Court of Chancery, or the Accountant-General of the Court of Exchequer, or in, to, or out of the dividends, interest, or annual produce thereof, it shall be lawful for such Judge to make any order as to such stock, funds, annuities, or shares, or the interest, dividends, or annual produce thereof, in the same way as if the same had been standing in the name of a trustee of such judgment debtor: provided always, that no order of any Judge as to any stock, funds, annuities, or shares standing in the name of the Accountant-General of the Court of Chancery or the Accountant-General of the Court of Exchequer, or as to the interest, dividends, or annual produce thereof, shall prevent the Governor and Company of the Bank of England, or any public company, from permitting any transfer of such stocks, funds, annuities, or shares, or payment of the interest, dividends, or annual produce thereof, in such manner as the Court of Chancery or the Court of Exchequer respectively may direct, or shall have any greater effect than if such debtor had charged such stock, funds, annuities, or shares, or the interest, dividends, or annual produce thereof, in favour of the judgment creditor, with the amount of the sum to be mentioned in any such order.

Provisions of recited Act as to property of judgment debtors defined and extended.

3 & 4 VICTORIÆ. Cap. CV.

An Act *for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases; for extending the Remedies of Creditors against the Property of Debtors; and for the further Amendment of the Law and the better Advancement of Justice in Ireland.*

[10*th August*, 1840.]

The following sections only of this Act need be quoted.

LXVI. And whereas great difficulties and delays may be experienced, and sometimes a failure of justice may take place, in actions depending in Courts of law in Ireland, by reason of the want of a competent power or authority in the said Courts to order and enforce the examination of witnesses, when the same may be required, before the trial of a cause: and whereas by an Act passed in the Parliament of Great Britain in the thirteenth year of the reign of his late Majesty King George the Third, intituled, "An Act for the establishing "certain Regulations for the better Management of the Affairs of the East-India Company as "well in India as in Europe," certain powers are given and provisions made for the examination of witnesses in India in the cases therein mentioned: and whereas by an Act passed in the first year of the reign of his late Majesty King William the Fourth, intituled, "An Act to "enable Courts of Law to order the Examination of Witnesses upon Interrogatories, and "otherwise," further provisions were made in relation to the examination of witnesses in all colonies, islands, plantations, and places under the dominion of the Crown of England in foreign parts: and whereas it is expedient to extend to Ireland certain provisions of the said two last-mentioned recited Acts; be it therefore enacted, that all and every the powers, authorities, provisions, and matters contained in the said recited Act of the thirteenth year of the reign of his said late Majesty King George the Third, relating to the examination of witnesses in India, shall be and the same are, with reference to all actions in any of her Majesty's Courts of law at Dublin, hereby extended to all colonies, islands, plantations, and places under the dominion of her Majesty in foreign parts, and to the judges of the several Courts therein, and to all actions depending in any of her Majesty's Courts of law at Dublin, in what place or county soever the cause of action may have arisen, and whether the same may have arisen within the jurisdiction of the Court to the judges whereof the writ or commission may be directed, or elsewhere, when it shall appear that the examination of witnesses under a writ or commission issued in pursuance of the authority hereby given will be necessary or conducive to the due administration of justice in the matter wherein such writ shall be applied for.

13 G. 3, c. 63.

1 W. 4, c. 22.

Powers of the recited Acts extended to all actions in the Courts at Dublin, when examination by commission shall appear necessary.

LXVII. And be it enacted, when any writ or commission shall issue under the authority of the said last-mentioned Act and of this Act, or of the power hereinbefore given by this Act, the judge or judges to whom the same shall be directed shall have the like power to compel and enforce the attendance and examination of witnesses as the Court whereof they are judges does or may possess for that purpose in suits or causes depending in such Court.

Judges to whom the commission is directed empowered to enforce the attendance of witnesses.

LXVIII. And be it enacted, that the costs of every writ or commission to be issued under the authority of the said last-mentioned Act and of this Act, or of the power hereinbefore given by this Act, in any action at law depending in either of the said Courts at Dublin, and of the proceedings thereon, shall be in the discretion of the Court issuing the same.

Costs of writs to be in the discretion of the Court.

3 & 4 VICTORIÆ. Cap. CVII.

An Act *to continue and amend the Laws for the Relief of Insolvent Debtors in Ireland.* [*10th August*, 1840.]

The two sections following are all that need be inserted here.

Where the prisoner is beneficially entitled to stock, the Court may order a transfer.

XLII. And be it enacted, that if any such prisoner shall, at the time of filing such petition as aforesaid, whether such petition shall have been preferred by himself or by any such creditor as aforesaid, or at any such time before such prisoner shall have become entitled to his final discharge according to this Act, have any Government stocks, funds, or annuities, or any of the stock of any public company, either in England, Scotland, or Ireland, standing in his own name in his own right, and for his own benefit, it shall be lawful for the said Court for the Relief of Insolvent Debtors, whenever it shall seem fit so to do, to order all persons whose act or consent is thereto necessary to transfer the same into the name of such assignee or assignees as aforesaid; and all such persons whose act or consent is so necessary as aforesaid, are hereby indemnified for all things done or permitted pursuant to such order.

Assignees' power not to extend to the pay or pension of naval, military, or civil officers.

XLIV. And be it enacted, that nothing in this Act contained shall extend to entitle the assignee or assignees of the estate and effects of any such prisoner, being or having been an officer of the army or navy, or an officer or clerk or otherwise employed or engaged in the service of her Majesty in the Customs or Excise, or any civil office or other public department whatsoever, or being or having been in the naval or military service of the East-India Company, or an officer or clerk or otherwise employed or engaged in the service of the Court of Directors of the said Company, or being otherwise in the enjoyment of any pension whatever, under any department of her Majesty's Government, or from the said Court of Directors, to the pay, half-pay, salary, emoluments, or pension of any such prisoner for the purposes of this Act: provided always, that it shall be lawful for the said Court to order such portion of the pay, half-pay, salary, emoluments, or pension of any such prisoner, as on communication from the said Court to the Secretary at War, or the Lords Commissioners of the Admiralty, or the Commissioners of the Customs or Excise, or the chief officer of the department to which such prisoner may belong or have belonged, or under which such pay, half-pay, salary, emoluments, or pensions, may be enjoyed by such prisoner, or the said Court of Directors, he or they may respectively under his or their hands, or under the hand of his or their chief secretary or other chief officer for the time being, consent to in writing, to be paid to such assignee or assignees, in order that the same may be applied in payment of the debts of such prisoner; and such order and consent being lodged in the office of her Majesty's Paymaster-General, or of the Secretary of the said Court of Directors, or of any other officer or person appointed to pay or paying any such pay, half-pay, salary, emoluments, or pension, such portion of the said pay, half-pay, salary, emoluments, or pension as shall be specified in such order and consent shall be paid to the said assignee or assignees until the said Court shall make order to the contrary.

Portion of pay or pension may be obtained on application.

5 VICTORIÆ. Cap. 5.

An Act *to make further Provisions for the Administration of Justice.* [*5th October*, 1841.]

Sections 1, 2, and 3, abolish the jurisdiction of the Court of Exchequer as a Court of Equity, and transfer the same to the Court of Chancery. The sections below are all that affect the purpose of this work.

IV. And be it enacted, that on and after the said fifteenth day of October, one thousand eight hundred and forty-one, it shall be lawful for the said Court of Chancery, upon the application of any party interested, by motion or petition, in a summary way, without bill filed, to restrain the Governor and Company of the Bank of England, or any other public company, whether incorporated or not, from permitting the transfer of any stock in the public funds, or any stock or shares in any public company, which may be standing in the name or names of any person or persons, or body politic or corporate, in the books of the Governor and Company of the Bank of England, or in the books of any such public company, or from paying any dividend or dividends due or to become due thereon; and every order of the said Court of Chancery upon such motion or petition as aforesaid shall specify the amount of the stock or the particular shares to be affected thereby, and the name or names of the person or persons, body politic or corporate, in which the same shall be standing: provided always, that the said Court of Chancery shall have full power, upon the application of any party interested, to discharge or vary such order, and to award such costs, upon such application, as to the said Court shall seem fit.

Court of Chancery may summarily restrain the Bank of England, &c., from permitting transfer of stock, &c.

V. And be it enacted, that in the place and stead of the writ of distringas, as the same has been heretofore issued from the said Court of Exchequer, a writ of distringas in the form set out in the first schedule to this Act shall, on and after the said fifteenth day of October, one thousand eight hundred and forty-one, be issuable from the Court of Chancery, and shall be sealed at the subpœna office, and that the force and effect of such writ, and the practice under or relating to the same, shall be such as is now in force in the said Court of Exchequer: provided nevertheless, that such writ, and the practice under or relating to the same, and the fees and allowances in respect thereof, shall be subject to such orders and regulations as may, under the provisions of this Act, or of any other Act now in force, or under the general authority of the Court of Chancery, be made with reference to the proceedings and practice of the said Court of Chancery.

Writ of distringas to be issued from the Court of Chancery according to the form in the first schedule to this Act.

VII. And be it enacted, that on the said fifteenth day of October, one thousand eight hundred and forty-one, all stocks, funds, annuities, and securities whatsoever which shall then be standing in the name of the Accountant-General of the said Court of Exchequer as such Accountant-General in the books of the Bank of England (except the funds hereinbefore vested in the said Queen's remembrancer), or in the books of the South-Sea Company, or in the books of the East-India Company, or in the books of any other body politic or corporate, or company whatsoever, and all such exchequer bills or other securities which at any time before the said fifteenth day of October, one thousand eight hundred and forty-one,

Stocks, &c., standing in the name of the Accountant-General of the Court of Exchequer to be transferred into the name of the Accountant-General of the Court of Chancery;

shall have been transferred into or vested in the name of, or shall be in the custody or power of the Accountant-General of the Court of Exchequer as such Accountant-General, and all real and personal estate, effects, and property whatsoever (except as aforesaid), which shall at any time before the said fifteenth day of October, have been conveyed, assigned, or transferred, or made payable or secured, to the Accountant-General of the said Court of Exchequer as such Accountant-General, and which shall not have been applied to the trusts and purposes to which the same were applicable under the order or direction of the said Court of Exchequer, shall on the said fifteenth day of October, become by force of this Act vested in the Accountant-General of the High Court of Chancery for the time being, in trust to attend the orders of the High Court of Chancery, and without any act or deed whatsoever to be done or executed by the Accountant-General of the said Court of Exchequer for the time being, and shall and may be proceeded upon, by and in the name of the Accountant-General of the High Court of Chancery, in right of his office, by any action or suit at law or in equity, or in any other manner, as the same might have been proceeded on by or in the name of the said Accountant-General of the Court of Exchequer for the time being, and shall be applicable to all such purposes as the same were respectively applicable to, except where otherwise directed by this Act; and all such funds, stocks, annuities, and securities as shall on the said fifteenth day of October be standing in the name of the Accountant-General of the said Court of Exchequer, as such Accountant-General, in the books of the Bank of England (except the funds hereinbefore vested in the said Queen's remembrancer), or in the books of the South-Sea Company and East-India Company, or in the books of any body politic or corporate, or company, and all cash in the bank in the name of the Accountant-General of the said Court of Exchequer as such Accountant-General (except the several sums specified in the said second schedule to this Act), shall on the said fifteenth day of October be carried, by the proper officers of the said companies respectively, to the credit of the Accountant-General of the said Court of Chancery in the books of the said Bank of England, South-Sea Company, East-India Company, or other body politic or corporate, or company respectively, in trust to attend the orders of the High Court of Chancery; any thing in any Act or Acts of Parliament for the creation or regulation of any such stocks, funds, annuities, or securities, or any other Act or Acts, to the contrary thereof notwithstanding.

applicable to such purposes as the same were respectively applicable to.

Officers of Bank of England, &c., directed to make the transfer.

Accountant-General of Court of Exchequer to make up accounts with Accountant-General of Court of Chancery.

VIII. And be it enacted, that the Accountant-General of the said Court of Exchequer shall, on the said fifteenth day of October, one thousand eight hundred and forty-one, make up accounts with the Accountant-General for the time being of the Court of Chancery of all stocks, funds, annuities, or securities, which shall be standing in the name of the Accountant-General of the Court of Exchequer, as such Accountant-General, in the books of the Bank of England (except as aforesaid), or in the books of the South-Sea Company or East-India Company, or in the books of any other body politic or corporate, or company; and that the Accountant-General of the said Court of Exchequer shall also, on the said fifteenth day of October, make out a true and perfect schedule of all cash (except as aforesaid), exchequer bills, bonds, mortgages, orders, and effects whatsoever deposited or remaining in his custody, power, or disposal, or standing in his name as Accountant-General, and of all monies which shall have been paid into the said Bank of England to the credit of the Accountant-General of the said Court of Exchequer as such Accountant-General, and which shall not have been invested in any stocks, funds, annuities, or securities, and shall deliver up to the Accountant-General of the Court of Chancery all the books and documents in his possession or power as such Accountant-General of the Court of Exchequer.

5 & 6 VICTORIÆ. Cap. XXXV.

An Act *for granting to her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, until the Sixth Day of April, one thousand eight hundred and forty-five.*

[*22nd June*, 1842.]

This Act, which was to expire on the 5th April, 1845, has been continued by other Acts; and by 16 & 17 Vict. cap. 34, additional duties are imposed. By section 9 of the Act last named, the Commissioners under the former Act are to be Commissioners under the new one, without further election, nomination, or appointment. A portion of the first Act only requires either insertion or notice.

In section 5 certain cities and towns are enumerated wherein Commissioners are to be chosen by municipal or corporate bodies, to act with the remainder appointed in another way. In the city of London the Directors of the East-India Company are to name one such Commissioner and one to supply his vacancy.

Directors of the East-India Company to be Commissioners for assessing duties on interest, dividends, annuities, pensions, salaries, &c., payable by them.

XXVII. And be it enacted, that the Directors of the East-India Company shall be Commissioners for executing this Act, and with the like powers as aforesaid, for the purpose of assessing and charging the duties hereby granted in respect of the interest payable on the bonds of the said Company, and in respect of all dividends, annuities, pensions, and salaries payable by the said Company, and also in respect of all other profits and gains chargeable with duty under this Act, and arising within any office or department under the management or control of the said Company; which assessments shall be made under and subject to the rules, regulations, and exceptions contained in the several schedules under which the said duties are respectively chargeable.

Section 54, after enacting that officers of corporations shall prepare statements of profits estimated before any dividend shall be made, provides

Proviso for statements of East-India and South-Sea Companies.

That the statements of the several Companies of the East-India and South-Sea shall be made exclusive of the dividends and the profits attached thereto, and to be divided amongst the proprietors of the respective stocks belonging to such companies.

Securities issued at the Exchequer or other public office, and India bonds, to be charged under Schedule (C.)

XCVII. And be it enacted, that any interest payable out of the public revenue on securities issued or to be issued at the Exchequer or other public office, by whatever names such securities shall be called, shall be charged to the said duties, under the rules contained in Schedule (C.), by the Commissioners for assessing the profits of offices in the said Exchequer

or other office aforesaid at which the same shall be made payable, and the interest payable by the East-India Company on the bonds issued or to be issued by them shall be charged to the said duties under the like rules by the Commissioners hereinbefore appointed for that purpose, which said Commissioners respectively shall execute this Act, in relation to the profits arising from such securities and bonds as aforesaid, in like manner as the Commissioners appointed by this Act are empowered to assess the profits arising from annuities payable out of the public revenue in other cases; and the said Commissioners respectively hereby authorized to execute this Act in relation to such securities and bonds as aforesaid shall appoint assessors and collectors of the said duties arising from such securities and bonds from and amongst the officers intrusted with the payment or discharge of such securities and bonds, who shall respectively at the time of payment or discharge thereof compute the duty thereon, and after such computation shall enter the same in a certificate of assessment, and certify the same to the proper officer appointed for the payment or discharge of such securities and bonds, which officer is hereby empowered to stop and detain the said duty, and to pay the same into the Bank of England to the credit of the Receiver-General of Stamps and Taxes, in discharge of such assessment; and every person receiving or purchasing any such security or bond in circulation, with current interest thereon, shall be entitled and is hereby empowered to deduct from such interest the proportion of duty which will become chargeable thereon, in like manner and under the like powers and penalties as may be done in other cases of payment of interest, and as if such current interest were then due and charged to the said duty; and the like computation and assessment shall be made whenever a new security or bond shall be issued in discharge of any former security or bond, with interest, or in discharge of interest due on any former security or bond; and the person receiving such new security or bond in exchange for any former security or bond, with interest, or for such interest, shall pay to the proper officer, at the time of receiving such new security or bond, the full duty computed on the interest payable on the said former security or bond.

Section 150 enacts that Commissioners, in relation of the duties on offices or employments, pensions or stipends, shall take the prescribed oaths, and shall have power to elect a clerk, assessors, &c.

No qualification to be required of Commissioners on offices and public annuities.

CLVI. Provided always, and be it enacted, that no qualification shall be required of any of the officers or persons herein described to be Commissioners for the duties on offices, or on employments of profit, or on pensions, stipends, annuities, interests, or dividends, contained in the said several schedules, who shall act as such Commissioners by virtue of their several offices, other than such offices respectively; anything herein contained to the contrary notwithstanding.

Section 183 provides for the remuneration of assessors and clerks.

5 & 6 VICTORIÆ. Cap. CI.

An Act *for extending to the Governors and Officers of the East-India Company the Powers given by an Act of the Fifth Year of King George the Fourth to her Majesty's Governors and Officers for the more effectual Suppression of the Importation of Slaves into India by Sea.* [10*th August*, 1842.]

The requisite portions of the Act above referred to, 5 Geo. 4, cap. 113, will be found in its proper place.

Whereas, by an Act passed in the fifth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to amend and consolidate the Laws relating to the Abolition "of the Slave Trade," various provisions are made for the more effectual suppression of the importation of slaves into her Majesty's colonies and plantations, and various powers and authorities are given to the Governors, Lieutenant-Governors, and other persons exercising the authority of Governors in her Majesty's colonies and plantations, and to her Majesty's officers there, civil and military, for the more effectual suppression of the importation of slaves into such colonies and plantations by sea, and for the punishment of all persons guilty of the crime of introducing or attempting to introduce slaves into any such colonies or plantations: and whereas it is expedient that powers and authorities by the said recited Act given to the Governor or Lieutenant-Governor, or other person exercising the authority of Governor, in the colonies, plantations, or other places therein referred to, should be extended to and vested in the respective Governors of the several presidencies or places within the territories under the government of the East-India Company, and that all powers and authorities thereby given to her Majesty's officers, civil and military, should be extended to and vested in the officers of the East-India Company, civil and military, within the territories under the government of the said Company; be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all and singular the powers and authorities by the said recited Act of the fifth year of the reign of King George the Fourth given to or vested in the Governors or Lieutenant-Governors, or other persons exercising the authority of Governors in her Majesty's colonies, plantations, or other places in the said recited Act referred to, for the more effectual suppression of the importation of slaves into such colonies, plantations, or other places by sea, and for the more effectual punishment of all persons guilty of the crime of introducing or attempting to introduce slaves into any such colonies, plantations, or places by sea, shall be and the same are hereby expressly given to and vested in the several and respective Governors of the several and respective presidencies and places within the territories under the government of the East-India Company, and the persons having the chief civil or the chief military authorities at or near the places where any offence made cognizable by or under this Act shall have been committed or attempted to be committed; and that the powers and authorities by the said recited Act given to or vested in her Majesty's officers, civil and military, for the like purpose, shall be and are hereby given to and vested in the several officers of the East-India Company, civil and military.

5 G. 4, c. 113.

Extending powers of recited Act to Governors of the presidencies under the East-India Company's Government.

5 & 6 VICTORIÆ. Cap. CXIX.

An Act *to enable her Majesty to grant Furlough Allowances to the Bishops of Calcutta, Madras, and Bombay who shall return to Europe for a limited Period after residing in India a sufficient Time to entitle them to the highest Scale of Pension.*

[12*th August*, 1842.]

Whereas by law the salaries of the Bishops of Calcutta, Madras, and Bombay respectively are payable to them respectively only so long as they respectively exercise the functions of their several offices in the East-Indies, and no longer; and the pensions which her Majesty is empowered to grant to such bishops respectively can by law be granted only on their respective resignation of their said offices; and whereas it is expedient to enable her Majesty to make a moderate provision for such of the said bishops who, after such residence in the East-Indies as hereinafter mentioned, shall, with her Majesty's permission, return to Europe for a period not exceeding eighteen calendar months, and also to provide for making a further payment to the Bishop of Madras and the Bishop of Bombay respectively, if during such absence of the Bishop of Calcutta such Bishop of Madras or Bombay shall perform the functions of the said Bishop of Calcutta; be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that in case her Majesty shall be pleased from time to time or at any time to grant permission to any Bishop of Calcutta who shall have resided in the East-Indies for a period of ten years, and to any Bishop of Madras or of Bombay who shall have resided in the East-Indies for a period of fifteen years, to return to Europe for a period not exceeding eighteen calendar months from the time of departure from the East-Indies, then and in every such case it shall be lawful for her Majesty, in manner mentioned in an Act of the fifty-third year of the reign of his Majesty George the Third, as to the grant of the pension to the Bishop of Calcutta, to grant to such Bishop of Calcutta, Madras, or Bombay respectively, so returning to Europe, a furlough allowance not exceeding the highest amount of pension which her Majesty is by law empowered to grant to any such bishop, and for a period not exceeding eighteen calendar months from the time of the departure of such bishop from the East-Indies.

Empowering her Majesty to grant allowances to East-India bishops absent on leave.

II. And be it enacted, that it shall be lawful for her Majesty to grant to any such bishop who, having obtained such furlough and received such furlough allowance, shall have returned to the East-Indies, and have resumed the functions of his office, a second furlough of similar duration and of similar amount, to commence from and after the expiration of five years from the time of such bishop's resuming the exercise of his functions in the East-Indies.

Further furlough and allowance may be granted.

III. Provided always, and it is hereby enacted, that it shall not be lawful for her Majesty to grant such furlough allowance to more than one such bishop at one and the same time.

Allowance to but one bishop at a time.

IV. And be it enacted, that in case it shall please her Majesty to extend the ecclesiastical jurisdiction and functions of the Bishops of Madras and Bombay, or of either of them, so as to enable such last-mentioned bishop during such absence of the Bishop of Calcutta, to perform the functions of the said Bishop of Calcutta, then, and in that case, so long as the Bishop of Madras or the Bishop of Bombay shall perform the functions of the Bishop

Additional allowance to bishops performing functions of bishops absent on furlough.

of Calcutta, the said Bishop of Madras or the Bishop of Bombay shall, in addition to his salary as Bishop of Madras or Bombay, have and be entitled to a further annual allowance of ten thousand Company's rupees for so long time as he shall perform the functions of such Bishop of Calcutta.

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6 & 7 VICTORIÆ. Cap. XXXVIII.

An Act *to make further Regulations for facilitating the hearing Appeals and other Matters by the Judicial Committee of the Privy Council.* [28*th July*, 1843.]

The greater part of this Act relates to the modes of proceeding in appeals in Ecclesiastical and Admiralty causes. The following two sections only require to be inserted in this collection.

Whereas it has been found expedient to make further regulations for hearing and making report to her Majesty in appeals and other matters referred to the Judicial Committee of the Privy Council, and for the more effectual appointment of surrogates in ecclesiastical and maritime causes of appeal, and for making orders or decrees incidental to such causes of appeal, and for the punishment of contempts, and compelling appearances and enforcement of judgments, orders, and decrees of her Majesty in Council, or of the said Judicial Committee, or their surrogates, in such causes of appeal: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that in any appeal, application for prolongation or confirmation of Letters Patent, or other matter referred or hereafter to be referred by her Majesty in Council to the Judicial Committee of the Privy Council, it shall be lawful for her Majesty, by order in Council or special direction under her royal sign manual, having regard to the nature of the said appeal or other matter, and in respect of the same not requiring the presence of more than three members of the said Committee, to order that the same be heard, and when so ordered it shall be lawful that the same shall be accordingly heard by not less than three of the members of the said Judicial Committee, subject to such other rules as are applicable, or under this Act may be applicable, to the hearing and making report on appeals and other matters by four or more of the members of the said Judicial Committee.

Appeals, &c., may be heard by not less than three members of the Judicial Committee of the Privy Council under a special order of her Majesty.

XI. And be it enacted, that it shall be lawful for her Majesty, by order in Council, to direct that all causes of appeal from Ecclesiastical Courts, and from the Vice-Admiralty Court of the Cape of Good Hope, and all Vice-Admiralty Courts to the westward thereof, in which the appeal and petition of reference to her Majesty shall have been lodged in the registry of the High Court of Admiralty and appeals within twelve calendar months from the giving or pronouncing of any order, decree, or sentence appealed from, and all causes of appeal from Vice-Admiralty Courts to the eastward of the Cape of Good Hope, in which the appeal and petition of reference to her Majesty shall have been lodged in the registry of the High Court of Admiralty, and appeals within eighteen calendar months from the giving or pronouncing any order, decree, or sentence appealed from, shall be referred to the Judicial

All appeals from Ecclesiastical and Admiralty Courts may be referred to the Judicial Committee by an order in Council.

Committee of the Privy Council, and the said Judicial Committee and their surrogates shall have full power forthwith to proceed in the said appeals, and the usual inhibition and citation shall be decreed and issued, and all usual proceedings taken, as if the same had been referred to the said Judicial Committee by a special order of her Majesty in Council in each cause respectively.

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6 & 7 VICTORIÆ. Cap. XCVIII.

AN ACT *for the more effectual Suppression of the Slave Trade.* [24*th August*, 1843.]

After reciting the 5 Geo. 4, cap. 113, the first section thus proceeds:—

The recited Act and this Act shall apply to all British subjects wherever residing.

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all the provisions of the said consolidated Slave Trade Act hereinbefore recited and of this present Act shall, from and after the coming into operation of this Act, be deemed to extend and apply to British subjects wheresoever residing or being, and whether within the dominions of the British Crown or of any foreign country; and all the several matters and things prohibited by the said consolidated Slave Trade Act or by this present Act, when committed by British subjects, whether within the dominions of the British Crown, or in any foreign country, except only as is hereinafter excepted, shall be deemed and taken to be offences committed against the said several Acts respectively, and shall be dealt with and punished accordingly: provided nevertheless, that nothing herein contained shall repeal or alter any of the provisions of the said Act.

Section 2 is omitted as unnecessary, as are also the sections following sec. 4.

Trial of offenders against the recited Act and this Act.

III. And whereas it is expedient to make further provision for the trial and punishment of offenders; be it enacted, that all offences against the consolidated Slave Trade Act or against this present Act, which shall be committed by British subjects out of this United Kingdom, whether within the dominions of the British Crown or in any foreign country, or by foreigners within the British dominions, except in places where the British admiral has jurisdiction, may be taken cognizance of, inquired into, tried, and determined according to the provisions of an Act passed in the ninth year of King George the Fourth, intituled, "An "Act for consolidating and amending the Statutes in England relative to Offences against "the Person."

9 G. 4, c. 31.

Evidence may be taken abroad, and transmitted to the Court of Queen's Bench.

IV. And whereas the provisions heretofore made for the hearing and determining in England of offences committed against the Acts for the abolition of the slave trade in places out of this United Kingdom have been found ineffectual, by reason of the difficulty of proving in this kingdom matters and things done elsewhere; be it enacted, that in all cases of indictment or information laid or exhibited in the Court of Queen's Bench for misdemeanors or offences committed against the said Acts or against this present Act in any places out of the United Kingdom, and within any British colony, settlement, plantation, or territory, it shall

and may be lawful for her Majesty's said Court, upon motion to be made on behalf of the prosecutor or defendant, to award a writ or writs of mandamus requiring the Chief Justice or other chief judicial officer in such colony, settlement, plantation, or territory, who are hereby respectively authorized and required accordingly to hold a court, with all convenient speed, for the examination of witnesses and receiving other proofs concerning the matters charged in such indictments or informations respectively, and in the meantime to cause public notice to be given of the holding of such courts, and summonses to be issued for the attendances of witnesses and of agents and counsel of the parties; and such examination as aforesaid shall be then and there openly and publicly taken in the said court *vivâ voce*, upon the respective oaths of the persons examined, and be reduced to writing, and be sent to her Majesty in her Court of Queen's Bench (in manner set forth and prescribed in an Act passed in the thirteenth year of George the Third, chapter sixty-three, intituled, "An Act for "establishing certain Regulations for the better Management of the Affairs of the East-India "Company, as well in India as in Europe);" and such depositions, being duly taken and returned according to the true intent and meaning of this Act, shall be allowed and read, and shall be deemed as good and competent evidence as if such witnesses had been present and sworn, and examined *vivâ voce* at any trial for such misdemeanors and offences as aforesaid in her Majesty's said Court of Queen's Bench, any law or usage to the contrary thereof notwithstanding.

13 G. 3, c. 63.

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7 & 8 VICTORIÆ. Cap. XVIII.

An Act *to remove Doubts as to the Power of appointing, convening, and confirming the Sentences of Courts-martial in the East-Indies.*

[*6th June*, 1844.]

Whereas doubts have arisen as to the proper authority by which, in certain cases, Courts-martial may be appointed and convened, and the sentences thereof confirmed, in the East-Indies and elsewhere; and it is important to the maintenance of good order and military discipline that such doubts should be removed; be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that any law, custom, usage, statute, regulations, Articles of War, or warrant to the contrary notwithstanding, any general or other officer who may from time to time have power to appoint or convene general or district or other Courts-martial for the trial of offences committed by any of the officers or soldiers in the service of her Majesty, or by any of the officers, soldiers, or followers in the service of the East-India Company, not being natives of the East-Indies or other places within the limits of the said Company's Charter, or by any of the officers, soldiers, or followers in the service of the said Company, being natives of the East-Indies or other places within the limits aforesaid, shall, without any further or other authority or warrant, have power and authority to appoint or convene general or district or other Courts-martial (as the case may be) to be holden for the trial of offences committed by any officer, soldier, or follower in any of the said services, who may be under the actual command or who may be or come within the local limits of the command of such general or other officer, although the power of such officer as to appointing or convening Courts-martial might but for this Act extend to one or more of the said services only, or to some only of the forces

Any officer who may convene or confirm Courts-martial for the Queen's troops, or for the East-India Company's troops, may convene or confirm Courts-martial for any troops under his actual command.

belonging to any one or more of such services; and that in like manner any general or other officer who may from time to time have power to confirm sentences of general or district or other Courts-martial for the trial of offences committed by any of the officers or soldiers in the service of her Majesty, or by any of the officers, soldiers, or followers in the service of the East-India Company, not being natives as aforesaid, or by any of the officers, soldiers, or followers in the service of the East-India Company, being such natives as aforesaid, shall, without any further or other authority or warrant, have power and authority to confirm sentences of general or district or other Courts-martial (as the case may be) held for the trial of any officer or soldier or follower in any of the said services, who may be under the actual command or who may be or come within the local limits of the command of such general or other officer, although the power of such officer, as to confirming the sentences of Courts-martial, might but for this Act extend to one or more of the said services only, or to some only of the forces belonging to any one or more of such services.

Offenders may be tried wheresoever they may be serving or the offence may have been committed.

II. And be it enacted, that the said several powers may be exercised as aforesaid to whichsoever of the presidencies of Fort William, Fort Saint George, or Bombay, the offender may belong, or whether the general or other officer appointing or convening the Court-martial, or confirming the sentence, may be the officer commanding in chief in India, or at the presidency to which the offender may belong, or at any other presidency, or may hold his command or his power to appoint, convene, or confirm the sentences of Courts-martial from or under the officer commanding in chief in India, or at the presidency to which the offender may belong, or at any other presidency, or may hold such command or power from or under any other authority whatsoever, or whether the offence shall have been committed before or after the officer appointing or convening the Court or confirming the sentence shall have taken the command, or before or after the offender shall have been under the command of such officer, or before or after the offender shall have been or shall have come within the local limits of the command of such officer, or wheresoever, whether within the presidency to which the offender may belong, or within any other presidency, possessions, or territories under the Government of the said Company, or on the high seas, or elsewhere, the offender may be serving, or the offence shall have been committed, or the Court-martial shall be appointed, convened, or held.

Her Majesty may authorize Commanders-in-chief to delegate power of confirming sentences of general Courts-martial.

III. And be it enacted, that, any articles of war or usage to the contrary notwithstanding, her Majesty may grant warrants under her sign manual severally empowering the officer commanding in chief the forces in India, and the general or other officer commanding the forces at each or any of the presidencies of Fort William, Fort Saint George, and Bombay for the time being, to authorize any general or other officer not below the rank of a field officer, having the command of any body of the troops of her Majesty or of the said Company serving in the possessions or territories which are or may be under the government of the said Company or elsewhere, to confirm the sentences of general courts-martial which shall be holden for the trial of offences committed by any officer, soldier, or follower of or belonging to such troops; and the officer commanding in chief the forces in India, or the general or other officer commanding the forces at any of the said presidencies, being so empowered, may authorize any such general or other officer to confirm such classes of sentences only, or sentences passed for such classes of offences only, or on such classes of persons only, as he may think fit, reserving to himself the power of confirming sentences in all such cases as such general or other officer may not be authorized to confirm, or may think fit to send for the decision of such officer commanding in chief the forces in India, or of such officer commanding the forces at one of the said presidencies.

IV. And be it enacted, that when, by any Act of Parliament or Articles of War, the sentence of a Court-martial is not to be carried into execution until confirmed by the general or other officer commanding in chief at the presidency in the territories subordinate to which the offender shall have been tried, with the concurrence of the Governor-General in Council, or Governor in Council, or Governor of such presidency, it shall not be necessary, in any such case, that a sentence so confirmed, with such concurrence, should, in addition, be reported to or approved or confirmed by the general or other officer commanding in chief the forces of the presidency to which the offender may belong; and the officer confirming the sentence, with such concurrence, and in all other cases the officer authorized under the provisions in this Act contained to confirm the sentence of any court-martial, shall have power to cause the same to be put into execution, or to suspend, mitigate, or remit the same.

No other confirmation necessary, except in certain cases.

V. And be it enacted, that nothing in this Act contained shall empower any person not otherwise duly authorized in that behalf to confirm any sentence of death, transportation, or cashiering on any commissioned officer employed upon her Majesty's staff, or serving in any of her Majesty's regular regiments; and that nothing in this Act contained shall empower any officer, other than those hereinafter mentioned, to confirm the sentence of death, transportation, or cashiering on a commissioned officer of the East-India Company's service; (that is to say,) the general or other officer commanding in chief at the presidency within which, or in territories subordinate to which, the offender shall have been tried, or the general commanding in chief the army to which the division, brigade, or party in which the offender may be serving shall belong or be attached.

Confirmation of sentences of death on commissioned officers.

VI. Provided always, and be it enacted, that, save as hereinbefore is expressly provided, this Act shall not alter or affect the laws, statutes, regulations, Articles of War, usages, or customs which now are or hereafter may be in force with respect to her Majesty's forces or the forces of the said East-India Company, whether natives or not of the East-Indies, or other places within the limits of the said Company's Charter: provided also, that this Act shall not be construed as declaring or interpreting the extent of her Majesty's royal prerogative, or the meaning of any former Act or of any article of war.

Act not otherwise to affect laws now in force.

VII. And be it enacted, that the provisions of this Act shall apply to all such persons as may from time to time be liable to martial law under the provisions of any Act of Parliament or Articles of War, and who may from time to time be serving or may be or come within the limits of the Charter of the East-India Company, construing the same as extending to all places and seas eastward of the Cape of Good Hope to the Straits of Magellan.

Act to extend only to the East-Indies.

VIII. And be it enacted, that so far as regards officers and soldiers in her Majesty's service, this Act shall continue in force so long only as there may be in force some Act for punishing mutiny and desertion, and for the better payment of the army and their quarters.

Continuance of Act as to her Majesty's forces.

The provisions of this Act are confirmed by 12 & 13 Vict. cap. 43 (the India Mutiny Act).

7 & 8 VICTORIÆ. Cap. LXIX.

An Act *for amending an Act passed in the Fourth Year of the Reign of his late Majesty, intituled, "An Act for the better Administration "of Justice in his Majesty's Privy Council;" and to extend its Jurisdiction and Powers.* [*6th August*, 1844.]

The greater part of this Act relates to the renewal of Letters Patent for inventions and to the forms of business. Only the following sections need be inserted.

Judicial Committee may require notes of evidence taken in the Courts of any colony, &c., of the Crown.

X. And be it enacted, that it shall be lawful for the said Judicial Committee to make an order or orders on any Court in any colony or foreign settlement, or foreign dominion of the Crown, requiring the Judge or Judges of such Court to transmit to the Clerk of the Privy Council a copy of the notes of evidence in any cause tried before such Court, and of the reasons given by the Judge or Judges for the judgment pronounced in any case brought by appeal or by writ of error before the said Judicial Committee.

Judicial Committee may make rules to be binding upon such Courts requiring judges' notes of evidence, &c.

XI. And be it enacted, that it shall and may be lawful for the said Judicial Committee to make any general rule or regulation, to be binding upon all Courts in the colonies and other foreign settlements of the Crown, requiring the Judges' notes of the evidence taken before such Court on any cause appealed, and of the reasons given by the Judges of such Court, or by any of them, for or against the judgment pronounced by such Court; which notes of evidence and reasons shall by such Court be transmitted to the Clerk of the Privy Council within one calendar month next after the leave given by such Court to prosecute any appeal to her Majesty in Council; and such order of the said Committee shall be binding upon all Judges of such Courts in the colonies or foreign settlements of the Crown.

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8 & 9 VICTORIÆ. Cap. XXX.

An Act *to amend an Act passed in the Third and Fourth Years of the Reign of His late Majesty King William the Fourth, intituled, "An Act for the better Administration of Justice in his Majesty's "Privy Council."* [*30th June*, 1845.]

3 & 4 W. 4, c. 41.

Whereas by an Act passed in the Session held in the third and fourth years of the reign of his late Majesty King William the Fourth, intituled, "An Act for the better Administration "of Justice in his Majesty's Privy Council," after reciting that various appeals to his Majesty in Council from the Courts of Suddur Dewanny Adawlut at the several presidencies of Calcutta, Madras, and Bombay, in the East-Indies, had been admitted by the said Courts,

and the transcripts of the proceedings in appeal had been from time to time transmitted under the seal of the said Courts through the East-India Company, then called the United Company of Merchants of England trading to the East-Indies, to the office of his Majesty's said Privy Council, but that the suitors in the causes so appealed had not taken the necessary measures to bring on the same to a hearing, it was enacted that it should be lawful for his Majesty in Council to give such directions to the said Company and other persons, for the purpose of bringing to a hearing before the Judicial Committee of the Privy Council the several cases appealed or thereafter to be appealed to his Majesty in Council from the several Courts of Suddur Dewanny Adawlut in the East-Indies, and for appointing agents and counsel for the different parties in such appeals, and to make such orders for the security and payment of the costs thereof as his said Majesty in Council should think fit, and thereupon such appeals should be heard and reported on to his Majesty in Council, and should be by his Majesty in Council determined, in the same manner, and the judgments, orders, and decrees of his Majesty in Council thereon should be of the same force and effetc, as if the same had been brought to a hearing by the direction of the parties appealing, in the usual course of proceeding: provided always, that such last-mentioned powers should not extend to any appeals from the said Courts of Suddur Dewanny Adawlut other than appeals in which no proceedings then had been or should thereafter be taken in England on either side for a period of two years subsequent to the admission of the appeal by such Court of Suddur Dewanny Adawlut: and whereas by certain orders in Council made under certain powers contained in the said Act provision is made for registering in the Council Office the arrival in this country of the transcripts of the proceedings in appeals from the said Courts: and whereas it is considered advisable that the said Act should be amended in manner hereinafter mentioned: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the hereinbefore recited provisions of the said Act shall not apply to the case of any appeal which shall be admitted by any of the said Courts of Suddur Dewanny Adawlut after the first day of January, one thousand eight hundred and forty-six.

Recited provisions of 3 & 4 W. 4, c. 41, not to apply to appeals admitted by Suddur Courts after 1st Jan. 1846.

II. And be it enacted, that any appeal to be admitted by any of the said Courts of Suddur Dewanny Adawlut after the said first day of January, one thousand eight hundred and forty-six, shall be considered and be held to be abandoned and withdrawn by consent of the parties thereto, unless some proceedings shall be taken in England in the same by one or more of the parties thereto within two years after registration at the Council Office of the arrival of the transcript; and any such appeal as aforesaid shall be held to be abandoned and withdrawn in like manner under any other circumstances which her Majesty in Council may from time to time by any orders or rules in that behalf direct to be taken and considered as a withdrawal thereof; and the East-India Company are hereby required from time to time to ascertain and certify to the proper Courts in the East-Indies all appeals which may from time to time become abandoned and dropped under the provisions of this clause.

Appeals admitted after 1st Jan. 1846, to be considered as abandoned by consent, unless, &c.

9 & 10 VICTORIÆ. Cap. XXI.

An Act *to enable the Right Honourable Henry Viscount Hardinge to receive the full Benefit of an Annuity of Five thousand Pounds granted to him by the East-India Company.* [18*th June*, 1846.]

Whereas the Court of Directors of the East-India Company have resolved unanimously, that as a special mark of the high sense entertained by the East-India Company of the eminent services of Lieutenant-General the Right Honourable Viscount Hardinge, Knight Grand Cross of the Most Honourable Military Order of the Bath, Governor-General of India, in bringing to a speedy and triumphant issue the hostilities caused by the unprovoked invasion by the Sikh army of the dominions of the British Government, and in dictating in a spirit of justice and moderation the arrangements for the restoration of peace, an annuity of five thousand pounds, commencing from the date when the British troops arrived at Lahore, be granted to his lordship for the term of his natural life; which resolution has been sanctioned by the General Court of Proprietors of the said Company, and confirmed by the Board of Commissioners for the Affairs of India, in the manner required by law to give full effect to such resolution; and whereas by an Act passed in the session held in the third and fourth years of the reign of his late Majesty King William the Fourth, intituled, "An Act "for effecting an Arrangement with the East-India Company, and for the better Government "of his Majesty's Indian Territories, till the thirtieth Day of April, one thousand eight "hundred and fifty-four," it was amongst other things provided, that there should be paid to the Governor-General of India, to each ordinary member of the Council of India, to each governor of the presidencies of Fort Saint George, Bombay, and Agra, and to each member of any Council in any presidency, the several salaries therein mentioned, and that the said salaries should be the whole profit or advantage which the said officers should enjoy during their continuance in such offices respectively; and it was thereby also provided, that if any Governor-General, Governor, or ordinary member of the Council of India, or any member of the Council of any presidency, should hold or enjoy any pension, salary, or any place, office, or employment of profit under the Crown, or any public office, or the said Company, or any annuity payable out of the civil or military fund of the said Company, the salary of his office of Governor-General of India, Governor, or Member of Council should be reduced by the amount of the pension, salary, annuity, or profits of office so respectively held or enjoyed by him: and whereas it is deemed fit and proper, in consideration of the services of the said Henry Lord Viscount Hardinge, to make such provision as hereinafter is contained; be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the hereinbefore recited provisions of the said Act of the session of the third and the fourth years of the reign of King William the Fourth shall not have any application in the case of the said annuity of five thousand pounds per annum granted to the said Henry Lord Viscount Hardinge as aforesaid, and accordingly it shall and may be lawful for the said East-India Company to pay, and for Henry Lord Viscount Hardinge to receive, the full amount of the salary of the office of Governor-General of India during the time of the continuance of the said Henry Lord Viscount Hardinge in such office, without any reduction or diminution in respect of the said annuity of five thousand pounds; any thing in the said Act or in any other Act or Acts contained to the contrary notwithstanding.

3 & 4 W. 4, c. 85.

Lord Hardinge empowered to receive his full salary as Governor-General, notwithstanding the grant of 5,000*l.* per annum by the East-India Company.

9 & 10 VICTORIÆ. Cap. XXXI.

An Act *to settle an Annuity on Viscount Hardinge, and the Two next surviving Heirs Male of the Body of the said Viscount Hardinge to whom the Title of Viscount Hardinge shall descend, in consideration of his great and brilliant Services.* [*27th July*, 1846.]

Most Gracious Sovereign,—Whereas your Majesty, by your most gracious message, hath been pleased to signify that your Majesty, having taken into consideration the great and brilliant services performed by Henry Viscount Hardinge, a lieutenant-general in your Majesty's army, and the Governor-General of India, in the course of the recent hostilities which have taken place on the banks of the Sutlej and in the Punjaub, and being desirous to confer some signal mark of your favour, for these and other distinguished merits, upon the said Henry Viscount Hardinge and the two next surviving heirs male of the body of the said Henry Viscount Hardinge, recommended to your faithful Commons the adoption of such measures as might be necessary for the accomplishment of this purpose: therefore we, your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, duly considering your Majesty's gracious intention, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that an annual payment or annuity of three thousand pounds shall be paid to Henry Viscount Hardinge, a lieutenant-general in her Majesty's army, and Governor-General of India, for his natural life, and to the two next surviving heirs male of the body of the said Henry Viscount Hardinge who may succeed to the title of Viscount Hardinge, for their natural lives respectively; and the said annual payment or annuity shall be deemed and considered to have commenced and taken effect upon the twenty-eighth day of April, one thousand eight hundred and forty-six, and the first payment of a proportionate part thereof, together with the quarter ending on the fifth day of July, shall be made on the fifth day of July, one thousand eight hundred and forty-six, and shall thereafter be paid quarterly, (that is to say,) on the tenth day of October, the fifth day of January, the fifth day of April, and the fifth day of July in every year; and the said annual payment or annuity shall and may be issuing and payable out of and charged and chargeable upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland (after paying or reserving sufficient to pay all such sum and sums of money as hath or have been directed to be paid out of the same by any former Act or Acts of Parliament, but with preference to all other payments which shall or may hereafter be charged upon and payable out of the said fund); and the acquittance or acquittances, receipt or receipts, of the said Henry Viscount Hardinge, and the two succeeding heirs male of the body of the said Henry Viscount Hardinge on whom the title shall descend, or of such other person or persons as shall be duly authorized and appointed by the person for the time being entitled to such annuity to receive such annual payment or annuity, or any part thereof, shall be a good and sufficient discharge for the payment thereof; and the said annual payment or annuity shall be free and clear from all taxes, rates, and assessments, and all other charges whatsoever, save and except the property tax.

An annuity of 3,000*l.* to be paid to Viscount Hardinge and his two next heirs.

Treasury to direct payment of the annuity.

II. And be it enacted, that it shall be lawful for the Commissioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the time being, and they are hereby authorized and required, by any warrant under their hands, to direct the payment of the said annuity according to the provision hereinbefore contained.

If the India Company grant an annuity, the annuity granted by this Act shall not be paid.

III. And whereas the East-India Company, being anxious to mark their sense of the eminent services rendered by the said Henry Viscount Hardinge, have granted to the said Henry Viscount Hardinge an annual payment or annuity out of the territorial possessions of the East-India Company of five thousand pounds for the life of the said Henry Viscount Hardinge; be it enacted, that so long as and during the time that the said annuity of five thousand pounds shall be paid to the said Henry Viscount Hardinge, the annual payment or allowance of three thousand pounds granted by this Act to the said Henry Viscount Hardinge shall cease to be paid.

The fourth section provides against the annuity being encumbered beyond the life of the person encumbering the same.

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9 & 10 VICTORIÆ. Cap. XXXII.

An Act *to settle an Annuity on Lord Gough and the Two next surviving Heirs Male of the Body of the said Lord Gough, to whom the Title of Lord Gough shall descend, in consideration of his important Services.* [*27th July*, 1846.]

Most Gracious Sovereign,—Whereas your Majesty, by your most gracious message, hath been pleased to signify that your Majesty, having taken into consideration the important services rendered by Hugh Lord Gough, a lieutenant-general in her Majesty's army, and Commander-in-chief of your Majesty's and the East-India Company's forces in India, in the course of the recent hostilities which have taken place on the banks of the Sutlej and in the Punjaub, and being desirous to confer some signal mark of your favour, for these and other distinguished merits, upon the said Hugh Lord Gough and the two next surviving heirs male of the body of the said Hugh Lord Gough, recommended to your faithful Commons the adoption of such measures as might be necessary for the accomplishment of this purpose: therefore we, your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, duly considering your Majesty's gracious intention, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that an annual payment or annuity of two thousand pounds shall be paid to Hugh Lord Gough, a lieutenant-general in her Majesty's army, and Commander-in-chief of her Majesty's and the East-India Company's forces in India, for his natural life, and to the two next surviving heirs male of the body of the said Hugh Lord Gough, who may succeed to the title of Lord Gough, for their natural lives respectively, and

An annuity of 2,000*l.* to be paid to Lord Gough and his two next heirs.

the said annual payment or annuity shall be deemed and considered to have commenced and taken effect upon the twenty-eighth day of April, one thousand eight hundred and forty-six, and the first payment of a proportionate part thereof, together with the quarter ending on the fifth day of July, shall be made on the fifth day of July, one thousand eight hundred and forty-six, and shall thereafter be paid quarterly, (that is to say), on the tenth day of October, the fifth day of January, the fifth day of April, and the fifth day of July in every year; and the said annual payment or annuity shall and may be issuing and payable out of and charged and chargeable upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland, (after paying or reserving sufficient to pay all such sum and sums of money as hath or have been directed to be paid out of the same by any former Act or Acts of Parliament, but with preference to all other payments which shall or may hereafter be charged upon and payable out of the said fund); and the acquittance or acquittances, receipt or receipts of the said Hugh Lord Gough, and the two succeeding heirs male of the body of the said Hugh Lord Gough, on whom the title shall descend, or of such other person or persons as shall be duly authorized and appointed by the person for the time being entitled to such annuity, to receive such annual payment or annuity, or any part thereof, shall be a good and sufficient discharge for the payment thereof; and the said annual payment or annuity shall be free and clear from all taxes, rates, and assessments, and all other charges whatsoever, save and except the property tax.

Treasury to direct payment of the annuity.

II. And be it enacted, that it shall be lawful for the Commissioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, for the time being, and they are hereby authorized and required, by any warrant under their hands, to direct the payment of the said annuity according to the provision hereinbefore contained.

If India Company grant an annuity, only a portion of annuity granted by this Act shall be paid.

III. And whereas the East-India Company, being anxious to mark their sense of the eminent services rendered by the said Hugh Baron Gough, have granted to the said Hugh Baron Gough an annual payment or annuity out of the territorial possessions of the East-India Company of two thousand pounds, for the life of the said Hugh Baron Gough; be it enacted, that so long as and during the time that the said annuity of two thousand pounds shall be paid by the said East-India Company to the said Hugh Baron Gough, no more than one half of the said annual payment or allowance of two thousand pounds granted by this Act shall be paid to the said Hugh Baron Gough.

The fourth section protects the annuity from incumbrance.

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10 & 11 VICTORIÆ. Cap. XXXVII.

An Act *for limiting the Time of Service in the Army.*

[21*st June*, 1847.]

Whereas it is expedient to amend the system of enlistment now in use in her Majesty's land forces: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament

After passing of this Act, the period for enlistment for a soldier limited.

assembled, and by the authority of the same, that after the passing of this Act no person shall be enlisted to serve her Majesty, or in the forces of the East-India Company, as a soldier for a longer term than ten years in the infantry, or twelve years in the cavalry, or artillery, or other ordnance corps, to be reckoned from the day on which the recruit shall have been attested, if he shall have stated himself to be then of the age of eighteen years, or if not, then from the day on which he will complete the age of eighteen years, to be reckoned according to the age stated in his attestation.

Section 2 repeals certain questions directed by a former Act to be asked of recruits, and substitutes others.

Soldiers, at any time during the last six months, or on completion of term of limited service, may be re-engaged.

III. And be it enacted, that any soldier, at any time during the last six months of the term of limited service for which he shall have first engaged, or after the completion of such term, may, if approved by his commanding officer or other competent military authority as a fit person to continue in her Majesty's service, or in the service of the East-India Company, as a soldier, be re-engaged to serve for the further term of eleven years in the infantry, and twelve years in the cavalry, or artillery, or other ordnance corps, upon making a declaration in the form given in the schedule marked (B.) and annexed to this Act, before any one of her Majesty's justices of the peace in Great Britain or Ireland, or if not in Great Britain or Ireland, before any person duly appointed by her Majesty, by any warrant signed by the Secretary at War in that behalf, to enlist and attest out of Great Britain and Ireland any soldiers or persons desirous of enlisting or re-enlisting into her Majesty's service.

Section 4 relates to the royal army only.

If terms of limited services expire while soldiers are on any foreign station, they may be prolonged for a further time.

V. Provided always, and be it enacted, that if either the first or second term of limited service for which any soldier shall have so engaged shall expire while he is serving on any foreign station, the said first or second term of limited service may be prolonged for such further time, not exceeding two years, as shall be directed by the commanding officer on such foreign station; and that any soldier who shall give notice to his commanding officer, after completing his second term of limited service, that he is desirous of continuing in her Majesty's service, or in the service of the East-India Company, and being approved by his commanding officer or other competent military authority, may be continued in such service as a soldier so long as he shall desire to be so continued, and until the expiration of three calendar months after he shall have given notice to his commanding officer of his wish to be discharged, and for that purpose shall be considered in all respects, during such time, as if his term of service were still unexpired.

If at the expiration of such terms of service, soldiers are unwilling to re-engage themselves, they shall be conveyed home.

VI. Provided further, and be it enacted, that if at the expiration of such first or second term of limited service, or of such term of prolonged service, any soldier entitled to his discharge, being on any foreign station, shall not be willing to re-engage or to continue in her Majesty's service, or in the service of the East-India Company, the commanding officer of the regiment in which he may be serving shall, as in the case of soldiers invalided, take the usual measures, with all convenient despatch, for the conveyance of such soldier to England; and on the arrival of such soldier in England he shall be finally discharged: provided always, that during such time as may elapse between the expiration of such terms of service as aforesaid and his final discharge in England such soldier shall remain subject to all the provisions of any Act which may be then in force for punishing mutiny and desertion, as fully

as he may have been subject thereto before the expiration of such terms of service: provided also, that if at the expiration of any such first or second term of limited service, or of such term of prolonged service, any soldier being in any of her Majesty's colonies shall claim his discharge, and shall signify to the governor of such colony, through the commanding officer of the regiment in which he may be serving, his desire to remain in such colony, it shall be lawful for such governor, if he shall think fit, with the consent of such commanding officer, to permit such soldier to remain therein, and thereupon such soldier shall be finally discharged, and shall not be entitled to claim to be conveyed to England at the public charge at any future period.

If soldiers desire to remain in the colony, Governor, &c., may permit them so to do.

VII. And be it enacted, that if the term for which any non-commissioned officer or soldier shall have been enlisted or re-engaged, or for which his term of service may have been prolonged as aforesaid, shall expire after any offence committed by him, and before he has been tried or punished for the same, such non-commissioned officer or soldier shall, notwithstanding the expiration of his term of service, be deemed and taken to be still in her Majesty's service, or in the service of the East-India Company, as the case may be, for the purpose of undergoing his trial and punishment, but for no other purpose: provided always, that no non-commissioned officer or soldier shall be so tried after the expiration of his service, except by a general or district or garrison court-martial.

If term of enlistment of soldier expire after any offence committed, &c., he shall be deemed to be in the service till after trial, &c., for the same.

VIII. And be it enacted, that if any non-commissioned officer or soldier shall have been absent from his duty during any portion of the time limited by his enlistment or re-engagement, or prolongation of service by reason of his imprisonment, whether under sentence of a court-martial or of any other Court duly authorized to pass such sentence, or by reason of his confinement for debt, or by reason of his desertion, such portion of his time shall not be reckoned as a part of the limited service for which such non-commissioned officer or soldier was enlisted or re-engaged, or for which his term of service may have been prolonged as aforesaid; and if any non-commissioned officer or soldier shall have been absent from his duty during any portion of the time limited by his enlistment or re-engagement or prolongation of service by reason of his having been made a prisoner of war, the circumstances under which he was so made a prisoner shall, on his rejoining her Majesty's service, or the service of the East-India Company, be subjected to inquiry by a court-martial, and if it shall appear to the satisfaction of the Court that he was taken prisoner through his own wilful neglect of his duty, or that he has or has not returned to his duty so soon as he could and ought to have returned, the Court may by its sentence direct that all or any part of the time during which such non-commissioned officer or soldier shall have been so absent may be deducted from his term of service.

If soldiers are absent from duty by reason of imprisonment, &c., such portion of time not to be reckoned as part of limited enlistment.

Section 9 provides for the amendment or repeal of the Act in the current session.

10 & 11 VICTORIÆ. Cap. XCVI.

An Act *for better securing Trust Funds, and for the Relief of Trustees.* [22*nd July*, 1847.]

Only the first section of this Act appears proper for insertion in this volume.

Trustees may pay trust monies or transfer stocks and securities into the Court of Chancery.

Receipt of bank cashier, or certificate of proper officer, to be sufficient discharge.

Whereas it is expedient to provide means for better securing trust funds, and for relieving trustees from the responsibility of administering trust funds in cases where they are desirous of being so relieved: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all trustees, executors, administrators, or other persons, having in their hands any monies belonging to any trust whatsoever, or the major part of them, shall be at liberty, on filing an affidavit shortly describing the instrument creating the trust, according to the best of their knowledge and belief, to pay the same with the privity of the Accountant-General of the High Court of Chancery, into the Bank of England to the account of such Accountant-General in the matter of the particular trust (describing the same by the names of the parties, as accurately as may be, for the purpose of distinguishing it), in trust to attend the orders of the said Court; and that all trustees or other persons having any annuities or stocks standing in their name in the books of the Governor and Company of the Bank of England, or of the East-India Company, or South-Sea Company, or any government or parliamentary securities standing in their names, or in the names of any deceased persons of whom they shall be personal representatives, upon any trusts whatsoever, or the major part of them, shall be at liberty to transfer or deposit such stocks or securities into or in the name of the said Accountant-General with his privity, in the matter of the particular trust (describing the same as aforesaid), in trust to attend the orders of the said Court; and in every such case the receipt of one of the cashiers of the said bank for the money so paid, or, in the case of stocks or securities, the certificate of the proper officer, of the transfer or deposit of such stocks or securities, shall be a sufficient discharge to such trustees or other persons for the money so paid, or the stocks or securities so transferred or deposited.

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11 & 12 VICTORIÆ. Cap. XXI.

An Act *to consolidate and amend the Laws relating to Insolvent Debtors in India.* [9*th June*, 1848.]

9 G. 4, c. 73.

Whereas an Act was passed in the ninth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to provide for the Relief of Insolvent Debtors in the East-"Indies until the First Day of March, one thousand eight hundred and thirty-three:" and whereas a certain other Act was passed in the second year of the reign of his late Majesty

King William the Fourth, intituled, "An Act to continue until the first day of March, "one thousand eight hundred and thirty-six, an Act of the ninth year of his late Majesty, "for the Relief of Insolvent Debtors in India," whereby the said last-mentioned Act was continued in force until the first day of March, one thousand eight hundred and thirty-six: and whereas a certain other Act was passed in a session of Parliament holden in the fourth and fifth years of the reign of his late Majesty King William the Fourth, intituled, "An "Act to amend the Laws relating to Insolvent Debtors in India:" and whereas by an Act passed in a session of Parliament holden in the sixth and seventh years of the reign of his late Majesty King William the Fourth, intituled, "An Act to continue until the first day "of March, one thousand eight hundred and thirty-nine, and from thence to the end of the "then next Session of Parliament, the several Acts relating to Insolvent Debtors in India," the first-mentioned Act, as amended by the said Act of the session of the fourth and fifth years of the reign of his late Majesty King William the Fourth, was continued in force until the first day of March, one thousand eight hundred and thirty-nine, and from thence to the end of the then next session of Parliament: and whereas, by a certain other Act of Parliament passed in a session holden in the third and fourth years of the reign of her present Majesty, intituled, "An Act to continue until the first day of March, one thousand eight "hundred and forty-five, and from thence to the end of the then next Session of Parlia- "ment, the several Acts relating to Insolvent Debtors in India," the said Acts of the ninth year of the reign of King George the Fourth, and of the session of the fourth and fifth years of the reign of King William the Fourth, were continued until the first day of March, one thousand eight hundred and forty-five, and from thence until the end of the then next session of Parliament: and whereas by a certain other Act of Parliament passed in a session holden in the ninth and tenth years of her present Majesty, intituled, "An Act to continue until "the first day of March, one thousand eight hundred and forty-seven, and from thence to "the end of the then next Session of Parliament, the several Acts relating to Insolvent "Debtors in India," the said Acts of the ninth year of the reign of King George the Fourth, and of the session of the fourth and fifth years of the reign of King William the Fourth, were continued until the first day of March, one thousand eight hundred and forty-seven, and from thence to the end of the then next session of Parliament: and whereas it is expedient to consolidate the provisions of the said Acts into one Act, and to amend the laws relating to insolvent debtors in India: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said Acts of the ninth year of the reign of King George the Fourth, and of the session of the fourth and fifth years of the reign of King William the Fourth, shall be, and the same are hereby continued until the thirty-first day of July, one thousand eight hundred and forty-eight, and that from and after that day the same, and also the said Act of the session of the ninth and tenth years of the reign of her present Majesty, shall be and stand repealed, save as to all acts, matters, and things, which before then shall have been done under the provisions of the said three last-mentioned Acts or of any of them, and save as to all rights, exemptions, and discharges whatsoever, under and by virtue of any of the said last-mentioned Acts, and save as to all matters and things whatsoever under and by virtue of any of the said last-mentioned Acts which shall then be pending in any of the Courts for the Relief of Insolvent Debtors in India, or in any other Courts whatsoever, which shall be proceeded with in the like manner, and have all the like effects and consequences, as if the said Acts hereby repealed had been in force, and had been permanently continued by this Act.

2 & 3 W. 4, c. 43.

4 & 5 W. 4, c. 79.

6 & 7 W. 4, c. 47.

3 & 4 Vict. c. 80.

9 & 10 Vict. c. 14.

Recited Acts 9 G. 4, c. 73, and 4 & 5 W. 4, c. 79, repealed after 31st July, 1848, save as to acts then done and pending under recited Acts 6 & 7 W. 4, c. 47, 3 & 4 Vict. c. 80, and 9 & 10 Vict. c. 14.

Courts established under 9 G. 4, c. 73, for relief of insolvent debtors, continued with the same powers as heretofore.

II. And be it enacted, that the Courts established under the first of the said recited Acts for the relief of insolvent debtors in the East-Indies shall be continued and shall continue to be Courts of Record, with all the same powers as heretofore, and each shall continue to be styled "The Court for the Relief of Insolvent Debtors," and to be holden before any one judge of the Supreme Courts of judicature at Calcutta, Madras, and Bombay respectively, within the respective limits of the said towns of Calcutta, Madras, and Bombay, and that all the officers of the said Courts respectively now established for the relief of insolvent debtors in the East-Indies shall be, until removed under the provisions hereinafter contained, the officers of the said Courts hereby continued respectively, and that all rules and orders not repugnant to the provisions of this Act now in force in the said Courts respectively, and all tables of fees now in force therein, shall, until the same are varied or repealed, continue in force in like manner to all intents and purposes as if the Acts in force with respect to insolvent debtors before this Act comes into operation had been continued by this Act.

A Court to be holden once a month at least in Calcutta, and as often as found necessary in Madras and Bombay, by any one judge of the respective Supreme Courts.

III. And be it enacted, that a Court for the Relief of Insolvent Debtors shall be holden once a month at least throughout the year, and oftener if need be, in Calcutta, and so often as may be found necessary within the towns of Madras and Bombay, by any one judge of the said Supreme Courts of judicature respectively; and it shall be lawful for each of the said Courts to sit for the despatch of business at one and the same time with the said Supreme Court of its presidency; and every advocate and attorney of the said Supreme Courts at Calcutta, Madras, and Bombay respectively shall be entitled to practise in the way of his profession in the Court for the Relief of Insolvent Debtors of that presidency, and no other persons shall practise as advocates or attornies in the said Courts for the Relief of Insolvent Debtors; and the said Supreme Courts of judicature respectively shall have power from time to time to make rules to regulate the proceedings of the Courts hereby continued for the Relief of Insolvent Debtors to be holden within their respective jurisdictions, and from time to time to vary and repeal, in whole or in part, any of the rules and orders and any table of fees now in force in the said Courts respectively for the Relief of Insolvent Debtors in the East-Indies, and especially to provide in what manner notice shall be given to the creditors of parties applying for relief under this Act, and in what cases besides those mentioned in this Act costs may be awarded, and shall prepare and cause to be sealed with their respective seals a sufficient and proper list of fees to be charged and received by the officers of the said Courts for the Relief of Insolvent Debtors of their respective presidencies, and shall certify under their seals, and transmit to the President of the Board of Commissioners for the Affairs of India, copies of such rules and lists of fees to be laid before her Majesty for her royal approbation, correction, or revision; and other copies of the same shall at all times be fixed in conspicuous places in the Courts for the Relief of Insolvent Debtors; and no other fee or gratuity shall be received or taken by any officer or attorney of such last-mentioned Courts, on any pretence whatsoever, except such as shall be specified in such lists.

Power to Supreme Courts to remove and appoint officers, and reduce emoluments, from time to time.

IV. And be it enacted, that her Majesty's Supreme Courts of judicature at Calcutta, Madras, and Bombay respectively shall have power from time to time to remove any of the officers of the Courts hereby continued as the Courts for the Relief of Insolvent Debtors within their respective presidencies, and to make such reductions in the number and in the emoluments of such officers as may be practicable, and to them shall seem fit, and from time to time to appoint such persons as may be necessary to transact the business of such Courts, and from time to time to annul all or any of such appointments, and to reduce the number of such officers in case the number of the same may be conveniently reduced; and that each of the said Courts hereby continued shall cause to be sealed with the seal of the said Court

Records, &c., to be sealed with the seal of the Court.

all such records, proceedings, documents, and copies of the same as are hereinafter expressly required to be so sealed, and such other records, proceedings, documents, and copies of the same, as the said Court shall at any time direct; and that the said Courts respectively may adjourn any of their sittings from time to time, and to such time as may be requisite, and shall have power to administer oaths, or, in the case of such persons as shall object on the ground of any religious or conscientious scruples to take an oath, solemn affirmations, and shall examine all parties and witnesses upon oath or such solemn affirmation for the purposes of this Act; and the said Courts respectively shall have the like powers of issuing commissions to take evidence as now are or may be hereafter possessed by the Supreme Courts respectively of their several presidencies, and shall have the like powers of compelling the attendance of the insolvent and all other parties at all times when their attendance may be deemed requisite by the said Court, and of all witnesses or any other persons who may be able to give any information respecting the debts, estates, and effects of such insolvent, before the said Courts respectively, or before any officer of the said Courts respectively, and of requiring and compelling the production of books, papers, and writings, as now are or may hereafter be possessed by the Supreme Courts respectively of the respective presidencies, or as are given to Commissioners of bankrupts by an Act passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to amend the Laws relating to Bank-"rupts;" and each of the said Courts hereby continued for the Relief of Insolvent Debtors shall have power to order any prisoner whose estate shall be vested in any assignee under the provisions of this Act, or of any of the Acts hereinbefore referred to, or any prisoner who shall be a necessary and material witness in any matter pending in the said Court, to be brought before the said Court or officer as often as shall be requisite, which order alone shall be a sufficient authority and protection to the gaoler or officer or person in whose custody he may be, for the production of such prisoner; and each of the said Courts shall have the power of fining in a summary way, and of committing until such fine be paid, or of committing in the first instance without fining, all persons guilty of contempt of the said Court, and of fining in a summary way, and of removing, any of the officers of the said Courts who shall be guilty of negligence, wilful or unnecessary delay, or other misconduct: provided always, that the said Courts for the Relief of Insolvent Debtors shall not have the power of awarding costs against any person, except in cases in which it is expressly permitted by this Act, or in which it shall be expressly permitted by any rules which shall be made by the said Supreme Courts respectively as to costs to be awarded in the said Courts for the Relief of Insolvent Debtors respectively.

Power to Court to adjourn sittings and administer oaths, &c.

Courts to have the same power to issue commissions, and compel attendance of insolvents and production of books, &c., as are now possessed, or as given to Commissioners of bankrupts under 6 G. 4, c. 16.

Power to Courts to order prisoners to be brought up as often as requisite.

Courts not to award costs except in certain cases.

V. And be it enacted, that from and after the time appointed for this Act to take effect, any person who shall be in prison within the respective limits of the towns of Calcutta, Madras, and Bombay, upon any process whatsoever, for or by reason of any debt, damages, costs, or money which such person is solely or jointly with any other liable to pay, or for or by reason of any contempt of any Court whatsoever for nonpayment of money only, or of costs taxed or untaxed, either ordered to be paid, or to the payment of which such person would be liable in clearing such contempt, or in any manner in consequence of or by reason of such contempt, or who shall reside within the jurisdiction of any of the Supreme Courts at Calcutta, Madras, and Bombay respectively, and, being indebted on account of any such liability as aforesaid, shall be in insolvent circumstances, may at any time apply by petition to the Court for the Relief of Insolvent Debtors within the presidency where such insolvent debtor shall then be, for the benefit of the provisions of this Act, which petition may be in the form in the schedule (A.) to this Act, or the schedule (B.) to this Act, (as the case may require,) with such additions and variations as may be necessary to adapt it to the particular case; and such petition shall

Persons imprisoned for debts may petition the Court for relief according to the forms in the schedule to this Act.

be subscribed by the said prisoner, and shall forthwith be filed in the said Court to which it shall be presented; and if any such person as aforesaid shall be jointly indebted, it shall be lawful for them to apply jointly by petition, in such manner as is hereinbefore mentioned, and under such joint petition the joint estate and the separate estates of such petitioners shall be dealt with and distributed

Party petitioning to deliver in a schedule in the form in schedule (C.)

VI. And be it enacted, that where any such petition for relief as is aforesaid shall be presented by any such insolvent to the said Court for the Relief of Insolvent Debtors, the party presenting the petition, at the same time, or within such further time as the said Court may deem reasonable, shall deliver into the court a schedule in the form in the schedule (C.) to this Act annexed, with such additions and variations as may be necessary to adapt it to the particular case, containing a full and true description as to all matters and things required to be set forth therein, so far as the same can be described or set forth, and the said schedule shall be subscribed by such petitioner, and shall forthwith be filed in the said court.

Upon filing petition, the real and personal estate of petitioner to be vested in official assignee as Court shall direct.

VII. And be it enacted, that upon the filing of any such petition as is aforesaid, it shall be lawful for the said Court and the said Court is hereby authorized and required to order that all the real and personal estate and effects of such petitioner, whether within the territories within the limits of the Charter of the East-India Company or without, except the wearing apparel, bedding, and other such necessaries of such petitioner and his family, and the working tools and implements of such petitioner and his family, not exceeding in the whole the value of Company's rupees three hundred for each petitioner with his family, and all debts due to him, and all the future estate, right, title, interest, and trust of the said petitioner, in or to any real or personal estate or effects within or without the said territories which such petitioner may purchase, or which may revert, descend, be devised or bequeathed, or come to him, and all debts growing due to him before the Court shall have made its order in the nature of a certificate as hereinafter mentioned, do vest in the official assignee for the time being of the said Court, and that all books, papers, deeds, and writings in any way relating to such petitioner's estate and effects in his possession, or under his custody or control, shall be deposited with such assignee, and such order shall be entered of record in the said court, and such notice thereof shall be published as the said Court shall direct; and such order, when so made, shall by virtue of this Act relate back to and take effect from the filing of the said petition, and shall instantly, and without any conveyance or assignment, vest all the real and personal estate, effects, and debts as aforesaid in the said official assignee, who shall have full powers for the recovery thereof, and shall hold and stand possessed of the same for the purposes and in manner hereinafter mentioned: provided always, that in case, after the making of any such vesting order, the petition of any such petitioner shall be dismissed by the said Court, such vesting order made in pursuance of such petition shall from and after such dismissal be null and void to all intents and purposes: provided also, that in case any such vesting order as aforesaid shall become null and void by the dismissal of such petition, all acts theretofore done by any assignee or other person acting under his authority according to the provisions of this Act shall be good and valid, and no action or suit shall be commenced against any such assignee, nor against any person duly acting under his authority, except to recover any property of such petitioner detained after an order made by the said Court for the delivery thereof, and demand made thereupon; and until the appointment of an official assignee as hereinafter is directed, the common assignee of the Court shall stand and be in the place of the official assignee, and this present clause shall apply and have effect accordingly.

In case, after making vesting order, petition be dismissed, the same to be null and void; but all acts, done by any assignee, &c., under this Act, to be held valid.

VIII. And be it enacted, that from and after the time appointed for this Act to take effect, if any person who shall be in prison within the respective limits of the towns of Calcutta, Madras, and Bombay, charged in execution for any debt or damages, or any costs or sum or sums of money, or committed for or by reason of any contempt of any Court whatsoever for nonpayment of money, or of costs taxed or untaxed, either ordered to be paid, or to the payment of which such person would be liable in clearing such contempt, or in any manner in consequence or by reason of such contempt, shall not, within twenty-one days next after such prisoner shall have been so charged in execution or committed as aforesaid, make satisfaction to the creditor or creditors at whose suit such prisoner shall have been so charged in execution, or committed for such debt, damages, costs, sum or sums of money, or to the person or persons entitled to the money for nonpayment of which such prisoner shall have been in contempt, or to the payment of which such prisoner would be liable in consequence or by reason of such contempt, then and in any of the said cases it shall be lawful for any such creditor or creditors, or person or persons entitled to such money as aforesaid, to present a petition to the Court for the Relief of Insolvent Debtors of the presidency within which such person shall have been so imprisoned, which petition may be in the form No. 1. in the schedule (D.) to this Act annexed, with such additions or variations as may be necessary to adapt it to the particular case; whereupon, and upon such petition being duly verified, it shall be lawful for the Court to adjudge that such prisoner has committed an act of insolvency: provided always, that it shall be lawful for the said Court, upon the petition of any person adjudged to have committed an act of insolvency as aforesaid, and upon proof of notice to the creditor or creditors upon whose petition such adjudication shall have been made, to revoke or confirm such adjudication.

Lying in prison 21 days for debt shall be deemed an act of insolvency, on which creditor may petition.

Court may, upon petition, revoke or confirm adjudication.

IX. And be it enacted, that if any person who, by an Act passed in the sixth year of the reign of King George the Fourth, intituled, "An Act to amend the Laws relating to "Bankrupts," or an Act passed in the session held in the fifth and sixth years of the reign of her present Majesty, intituled, "An Act for the Amendment of the Law of Bankruptcy," or any other Act now in force or hereafter to be passed, would be deemed a trader liable to become bankrupt, having been arrested or committed to prison for debt, or for or by reason of any contempt of any Court whatsoever, for nonpayment of money only, or of costs taxed or untaxed, either ordered to be paid, or to the payment of which such person would be liable in clearing such contempt, shall, upon such or any other arrest or commitment for debt or nonpayment of money or costs as aforesaid, lie in prison twenty-one days, or, having been arrested or committed to prison for any other cause, shall be in prison for twenty-one days after any detainer for debt, nonpayment of money or costs as aforesaid, lodged against him and not discharged, or if any such person shall depart from within the limits of the jurisdiction of any of the said Supreme Courts with intent to defeat or delay his creditors, or with the like intent depart from his usual place of business or abode within the said jurisdiction, or make with like intent any fraudulent gift, grant, conveyance, delivery, or transfer of any of his lands, tenements, money, goods, or chattels, or fraudulently with like intent suffer his lands, money, goods, or chattels to be taken in execution, attached, or sequestered, it shall be lawful for any person being a creditor, or for two or more persons being partners in trade and creditors to the amount of Company's rupees five hundred, or for any two creditors to whom such person shall be indebted to the amount of seven hundred Company's rupees, or for any three or more creditors to whom such person shall be indebted to the amount of Company's rupees one thousand, to present a petition to the Court for the Relief of Insolvent Debtors of the presidency within which such person shall have been so imprisoned or have

Parties subject to the bankrupt laws lying in prison 21 days, or departing the jurisdiction with intent to defeat or delay their creditors, or with like intent make any fraudulent gift, &c., shall be deemed to have committed an act of insolvency, on which creditors may petition.

resided at the time of such departure, or of such fraudulent gift, grant, conveyance, delivery, transfer, or fraudulent execution, attachment, or sequestration, which petition may be in the form No. 2. in the schedule (D.) to this Act annexed, with such additions and variations as may be necessary to adapt it to the particular case; whereupon, and upon such petition being duly verified, it shall be lawful for the Court to adjudge that such person has committed an act of insolvency: provided always, that it shall be lawful for the said Court, upon the petition of any person adjudged to have committed an act of insolvency as aforesaid, and upon proof of notice to the creditor or creditors upon whose petition such adjudication shall have been made, to revoke or confirm such adjudication.

Court may, upon petition, revoke or confirm adjudication.

Creditor, whose demand at the time of act of insolvency is not then due, may petition or join in petition.

X. And be it enacted, that every person who shall have given credit to any trader upon valuable consideration for any sum payable at a certain time, which time shall not have arrived when such trader committed any act of insolvency within the meaning of this Act, may so petition or join in petitioning as is aforesaid, whether he shall have had any security for such sum or not.

On adjudication of such last-mentioned act of insolvency, vesting order to take same effect as where the petition is presented by the insolvent;

XI. And be it enacted, that upon any such adjudication being made as hereinbefore is mentioned, the said Court is hereby authorized and required to make the like vesting order as hereinbefore is authorized to be made in the case of a petition by an insolvent debtor, which said vesting order shall in like manner be entered of record and notified as is hereinbefore mentioned, and shall, when made, take effect by relation from the filing of the petition on which the adjudication shall have proceeded; and such order shall, when made, vest in like manner all the said estate and effects, right, title, and interest, trust and debts of the insolvent, in the official assignee, in like manner, and as fully, and with the like effect as is hereinbefore mentioned, and which said vesting order shall, in case of the adjudication being for any reason revoked, be thenceforth null and void, to all intents and purposes, in like manner, and with the like effect, and under the same qualifications as hereinbefore is mentioned.

and Court invested with same powers as if such insolvent had petitioned.

XII. Provided always, and be it enacted, that after the adjudication of an act of insolvency in any of the cases aforesaid, it shall be lawful for the Court to direct, and it is hereby required to direct, the insolvent to file, within a time to be named by the Court, and the said insolvent is hereby directed and required to file accordingly, a schedule in the form in schedule (C.) to this Act annexed, in the Court by which such adjudication shall have been pronounced; and the Court shall be at liberty to proceed thereupon in like manner as in the case of an insolvent presenting a petition for relief under this Act.

Powers of Court to grant interim order for protection of insolvents.

XIII. And be it enacted, that in any case where a petition shall have been presented by an insolvent debtor as aforesaid, or an act of insolvency shall have been adjudged to have been committed as aforesaid, it shall be lawful for the said Court, after the filing of the schedule required by this Act, if under the circumstances it shall appear proper, to make an interim order for the protection of the insolvent from arrest, and any such interim order may apply either to all the debts or liabilities mentioned in the said schedule, or to any of them, as the Court may think proper, and may commence and take effect at such time as the Court shall direct; and any such order may be recalled and may be renewed as to the Court may appear proper; and any such order, when so made, shall protect the person to whom it shall be given from being arrested or detained in prison for any debt or liability to which such order shall apply within the limits of the towns of Calcutta, Madras, and Bombay respectively, or any other place within the territories under the Government of the East-India Company; and any person arrested or detained contrary to the tenor and effect of any such order shall

be entitled to his discharge out of custody upon application to any Court or judge which or who shall have power to set at large persons illegally detained in custody under the process by virtue of which such person shall have been arrested or be so detained: provided always, that no such order shall operate as a release or satisfaction of the debt or demand of any creditor, nor prejudice the right of any such creditor to arrest the insolvent, whether he shall or not have been previously arrested for the same debt or demand, in case the order shall be recalled, or shall fall by reason of the petition of the insolvent being dismissed, or the adjudication being reversed.

Such order not to operate as a release, &c., in certain cases.

XIV. And be it enacted, that as soon as this Act shall come into operation there shall be appointed by the Chief Justice of the Supreme Court at each of the said presidencies, or in the case of any vacancy in the office of Chief Justice then by the senior judge for the time being of such Court, one person to each Court for the Relief of Insolvent Debtors in each of the said presidencies respectively, to be the official assignee in all insolvencies in the course of prosecution at the time when this Act shall take effect, or to be afterwards prosecuted in the said Court; and every such official assignee shall at all times be, by virtue of such his appointment, and without any other assignment, an assignee of every such insolvent's estate and effects, together with any other assignee or assignees, or solely, according as there may or may not be then or afterwards any other assignee or assignees of such estate or effects.

Judges of Supreme Courts to appoint an official assignee for each Court.

XV. And be it enacted, that every such official assignee shall give such security, and shall be subject to such rules, and shall act in such manner as the judges of the Supreme Court shall direct by any rules and orders of the said Court to be approved of by the Governor-General of India in Council, and to be transmitted to the President of the Board of Commissioners for the Affairs of India, to be laid before her Majesty for her royal approbation, correction, or revision; and all the movable estate and effects, and the rents and profits of all immovable estate, and the proceeds of sale of all the estate and effects of the insolvent, shall in every case be possessed and received by such official assignee alone, save where it shall be expressly directed by the Court for the Relief of Insolvent Debtors to be possessed and received by such official assignee and the special assignee or assignees (if any), which the said Court shall have power, if it think fit, to direct, and in all cases of such receipt and possession shall, within seven days be paid, delivered, or transferred by such official assignee, or such official assignee and other assignee or assignees, as aforesaid, to and be kept in deposit in such public bank or other safe place of deposit, and be managed and dealt with as the judges of the Supreme Court shall have directed or may direct by any rules or orders of the said Court, to be approved of by the Governor-General in Council, and to be transmitted for approbation, correction, or revision in manner aforesaid.

Official assignees to give security, and be subject to rules made by Supreme Court, to be approved by the Governor-General and by her Majesty.

Insolvents' estates to be received by official assignee alone, except when directed by the Court to be otherwise.

XVI. And be it enacted, that as soon as such official assignee shall be appointed to each of such Courts respectively, the office of common assignee shall cease and determine, but without prejudice to any acts, matters, or things previously done; and all estates and effects vested in him shall be divested, and vest in the official assignee instantly, by operation of law, by force of the appointment of such official assignee without any assignment; and upon the death, resignation, or removal from office of each such official assignee, another official assignee shall be appointed in his place in the like manner as upon the first of each of such appointments.

As soon as official assignees appointed, office of common assignee to cease, except as to acts already done.

XVII. And be it enacted, that at any time after the making of any such vesting order as aforesaid, or after any such adjudication of insolvency as aforesaid, if any creditor or creditors

On application of creditors, after vesting orders, &c., Court may

order an election of assignees by the creditors.

of any such insolvent trader as aforesaid shall be desirous that an assignee or assignees of the insolvent's estate and effects shall be chosen by the creditors, he or they shall be at liberty to apply in writing, by petition to the Court, that such election shall take place; and thereupon a time and place for such election shall be appointed by the Court; and all creditors whose debts amount to one hundred rupees and upwards, who shall be included in the schedule as creditors, or who shall have proved their debts, shall be entitled to vote in such choice, and the choice shall be made by the major part in value of the creditors so entitled to vote; and the person or persons so elected shall be appointed by the Court a special assignee or special assignees of the estate of the said insolvent; provided that any creditor shall be at liberty to give notice to any other person whose name is included in the schedule of the insolvent as a creditor, but who shall not have proved his debt, to prove his debt before he shall be admitted to vote on such election, and in such case such party shall not be entitled to vote until he shall have proved his debt.

Power of Court to remove assignees.

Mode of appointing or electing others.

XVIII. And be it enacted, that the Court may at any time, in case of the unwillingness to act, removal from out of the jurisdiction of the Court, incapacity, or misconduct of any official assignee, or of any assignee appointed by the Court, on the election of the creditors, or for any other cause appearing to the Court sufficient, by its order annul such appointment, and thereupon, or in the case of the death of any such official assignee or other assignee, another shall be appointed; provided that if it be the case of a chosen assignee, such appointment shall not be made unless some creditor or creditors shall apply in writing, by petition to the said Court, that an election of another person as assignee may be had, and thereupon the Court shall proceed in all respects in like manner, and such election shall be made, conducted, and declared in all respects in like manner as is hereinbefore directed as to the election of assignees by creditors; and no act or thing done prior to the order whereby such appointment is so vacated shall be annulled or in any way affected.

No remuneration to be received by assignee, except as herein provided.

XIX. And be it enacted, that no remuneration whatever, whether in the shape of commission or otherwise, shall be received by any assignee, except in the manner nor beyond the extent hereinafter allowed; (that is to say), the Court may allow a fair remuneration to the assignee or assignees out of the sum to be distributed as dividends, and make an order accordingly; provided always, that the Court shall not have power to order any remuneration to be made to any assignee or assignees chosen by the creditors, unless the creditors shall at the time of the election declare that some remuneration is to be made to the assignee or assignees chosen by them, and at what rate such remuneration is to be made, and in such case the Court shall have power to reduce, but not to increase, the amount of such last-mentioned remuneration.

Estate to vest, without conveyance or assignment, in new assignee.

XX. And be it enacted, that on every appointment of a new assignee, the estate, effects, rights, and powers which would otherwise remain or be in the former assignee or assignees, shall immediately, by virtue of such appointment, and without any conveyance or assignment in any case whatever, vest in the actual assignee or assignees, in trust for the benefit of the creditors of such insolvent, in respect of and in proportion to their respective debts, according to the provisions of this Act; and all books, papers, deeds, and writings in any way relating to the estate and effects of the insolvent shall be transferred to and deposited with such assignee or assignees as last aforesaid, and from time to time, on each change of assignees, shall be transferred to the possession of the assignee or assignees for the time being of such insolvent; and the Court shall have power to compel any assignee or assignees whose appointment may be vacated, or the heirs, executors, administrators, or assigns of any person

once appointed such assignee and deceased, to account for and deliver up all such estates and effects, books, papers, writings, deeds, and all other evidences relating thereto, as shall have come to his or their hands, and the decision of the Court thereupon shall be final and conclusive; and whenever any assignee shall die, or be removed from his office, and any other assignee or assignees shall be appointed as aforesaid, no action at law or suit in equity brought or defended by him or them in the character of assignee or assignees shall be thereby abated, but upon the suggestion of each such death, removal, or new appointment, such action or suit shall be prosecuted or defended in the name of the existing assignee or assignees, and any real and personal estate, money and effects, vested in or possessed by any official assignee shall not remain in him, if he shall resign or be removed from his office, nor in his heirs, executors, or administrators, in case of his death, but shall in every such case go to and be vested in his successor in office, by relation, from the time of his resignation, removal, or death, as the case may be; and every such appointment of any assignee other than the official assignee shall be entered of record of the said Court, and such notice thereof shall be published as the said Court shall direct, and every such assignee so appointed shall be liable to the control of the Court, in like manner as any officer of the said Court.

Power of assignees.

XXI. And be it enacted, that every such assignee as aforesaid shall with all convenient speed take possession, by himself, or by means of messengers of the Court, or by other fit and proper persons, of all the real and personal estate and effects of the insolvent, of which immediate possession may be obtained, and shall use his best endeavours to seize, obtain, recover, and reduce into possession, as speedily as possible, the rest of such estate and effects, and all debts, claims, and choses in action, which by virtue of his appointment under this Act, and of the vesting order or adjudication aforesaid, he shall have been empowered to obtain, recover, and get in.

After vesting order, no distress for rent previously due shall be made, but laudlord to prove for the amount.

XXII. And be it enacted, that after any such vesting order shall be made as aforesaid no distress for rent due before such vesting order shall be made upon the goods and effects of the insolvent; but the landlord or party to whom the rent should be due shall be entitled to prove, in respect of such rent so due as aforesaid, whether the same shall or not be inserted in the schedule of the insolvent, and to receive a dividend in respect of the said rent, and shall not, unless the petition of such insolvent be dismissed, or the adjudication be reversed, be entitled to distrain for the said rent.

Property in tbe order and dispositioo of insolvent to be deemed his property.

XXIII. And be it enacted, that if any such insolvent shall, at the time of filing his petition, or at the time of filing the petition on which an adjudication of insolvency shall be made by the consent and permission of the true owner thereof, have in his possession, order, or disposition any goods or chattels whereof such insolvent is reputed owner, or whereof he has taken upon him the sale, alteration, or disposition as owner, the same shall be deemed to be the property of such insolvent, so as to become vested in the official assignee of the Court by the order made in pursuance of this Act; provided that no assignment or transfer of any ship or vessel, or any share thereof, made as a security for any debt either by way of mortgage or assignment, duly registered according to the provisions of any Act or Acts of Parliament now in force or hereafter to be passed, for the registering of British vessels, shall be invalidated or affected by reason of such possession, order, or disposition of the same as aforesaid.

Mortgages of ships or vessels, or shares thereof duly registered, not to be invalidated or affected.

Fraudulent conveyances, &c., made by insolvent within two months before insolvency, to be void.

XXIV. And be it enacted, that if any insolvent who shall file his petition for his discharge under this Act, or who shall be adjudged to have committed an act of insolvency, shall voluntarily convey, assign, transfer, charge, deliver, or make over any estate, real or personal,

security for money, bond, bill, note, money, property, goods, or effects whatsoever, to any creditor, or to any other person in trust for or to, or for the use, benefit, and advantage of any creditor, every such conveyance, assignment, transfer, charge, delivery, and making over, if made when in insolvent circumstances, and within two months before the date of the petition of such insolvent, or of the petition on which an adjudication of insolvency may have proceeded, as the case may be, or if made with the view or intention, by the party so conveying, assigning, transferring, charging, delivering or making over, of petitioning the said Court for his discharge from custody under this Act, or of committing an act of insolvency, shall be deemed and is hereby declared to be fraudulent and void, as against the assignees of such insolvent.

Government stocks, funds, &c., standing in the name of insolvent, to be transferred to the name of assignee.

XXV. And be it enacted, that if any such insolvent as aforesaid shall at any time before he shall have obtained his discharge in the nature of a certificate hereinafter mentioned be entitled to or possessed of, in his own right, any Government stock, funds, or annuities, or any of the stocks or shares in any public company, either in England, Scotland, or Ireland, or the territories under the Government of the East-India Company, it shall be lawful for the said Court, upon the application of any assignee or any creditor of such insolvent whose debt or demand against such insolvent shall have been admitted or established in the matter of the said insolvency, whenever it shall deem fit so to do, to order all persons whose act or consent is thereto necessary to transfer the same into the name or names of such assignee or assignees as aforesaid ; and all such persons whose act or consent is so necessary as aforesaid are hereby indemnified for all things done or permitted pursuant to such order: provided always, that in all transfers into the name or names of any such assignee or assignees, the transferee or transferees shall be described as assignee or assignees of the estate and effects of the insolvent, and no dividend shall be paid to, nor any future transfer made by, any person of any such stock, funds, annuities, or shares, except under a power of attorney, in the usual form required for the receipt of dividends upon or transfer of such stock, funds, annuities, and shares respectively, duly executed by such assignee or assignees, and attested by two credible witnesses, one of whom shall be an officer of such Court for Relief of Insolvent Debtors, and to which attestation the seal of such Court shall be affixed.

Persons holding property of insolvent, except stocks, &c., or indebted to him, to transfer the same, and make payment of debts to the assignee.

XXVI. And be it enacted, that in case any person shall, after any such insolvent shall have petitioned for his discharge under this Act, or have been adjudged to have committed an act of insolvency, and before the said insolvent shall have obtained his discharge in the nature of a certificate as hereinafter mentioned, be possessed of or have under his power or control any property whatsoever of such insolvent, other than any such Government stock, funds, or annuities as aforesaid, or other than any of the stock or shares in any public company either in England, Scotland, or Ireland, or within the limits aforesaid, or to which such insolvent may be in any way entitled, either under any trust, express or implied, or otherwise held for his use and benefit, or in case any such person shall be at any such period indebted to such insolvent, it shall be lawful for the said Court, upon the application of any assignee or any creditor of such insolvent whose debt or demand shall have been admitted or established in the matter of the said insolvency, to cause notice to be given to such person, directing him to hold and retain the said property till the said Court shall make further order concerning the same ; and thereupon it shall be lawful for the said Court further to order such person to deliver over such property, and to pay such debts as aforesaid, or any part thereof, to the assignee or assignees of the estate and effects of such insolvent, for the general benefit of the creditors of such insolvent ; and such delivery and payment shall be made accordingly

in obedience to such order, and such person shall by such payment and delivery, so made in pursuance of such order of the said Court, be discharged in respect of such property and debts against all persons whatsoever to all intents and purposes.

Offices, &c., held by insolvent, if unsaleable, may be charged with proportionate payment to assignee; if saleable, shall vest in assignee.

XXVII. And be it enacted, that if any such insolvent as aforesaid shall, at any time before he shall obtain his discharge in the nature of a certificate as hereinafter mentioned, hold any public office, appointment, or benefice, civil, military, or ecclesiastical, not saleable, or shall be in any situation or employment whatsoever in respect of which he shall receive any salary or emolument, or shall be in the receipt of any pension, then it shall be lawful for the said Court to order the said insolvent to pay such proportion of his receipts therefrom to his assignee as the said Court shall think right; and all saleable offices, appointments, or benefices shall vest, by virtue of the vesting order as aforesaid, in the official assignee, in trust for the creditors of such insolvent as aforesaid.

Power of assignee, with consent of creditors, to take composition, and to submit disputes, &c., to arbitration.

XXVIII. And be it enacted, that it shall be lawful for the assignee or assignees, with the leave of the Court first obtained, upon application to such Court, and by and with such notice to such creditors as it shall think fit to direct, to take such reasonable part of any debts due to the insolvent as may by composition be gotten, in full discharge of such debts, and to submit to arbitration any difference or dispute between the assignee or assignees and any other person or persons for or on account or by reason of any thing relating to the estate and effects of such insolvent.

Powers of assignee to institute and defend actions and suits.

XXIX. And be it enacted, that it shall be lawful for the assignee or assignees, with leave of the Court first obtained, to commence, prosecute, or defend any suits or actions at law or in equity which the insolvent might have commenced and prosecuted or defended, and to defray the costs to which he may be put in respect of such suits or actions out of the proceeds of the estate and effects of the insolvent; and if there be any partner of the insolvent who hath not joined in the petition, it shall be lawful for the Court to authorize the assignee to join such partner with himself as plaintiff in such suit or action; and if such partner shall execute any release of the debt or demand for which such suit or action is brought, the release shall be void: provided always, that such partner, if he shall take no part in the prosecution or defence of such suit or action, shall not be liable to pay costs in respect of the same; and it shall be lawful for such Court, upon the application of such partner, to direct that he may receive so much of the proceeds of such action or suit as the said Court shall direct.

Proviso as to persons in partnership with insolvent.

All powers vested in insolvent to be vested in the assignee for the benefit of the creditors.

XXX. And be it enacted, that all powers vested in any such insolvent which he might lawfully execute for his benefit shall be and are hereby vested in the assignee or assignees of the real and personal estate of such insolvent or insolvents by virtue of this Act, to be executed by his assignee or assignees for the benefit of his creditors.

Assignee to make sale of insolvent's estate.

XXXI. And be it enacted, that the assignee or assignees shall, with all convenient speed, make sale of the property and effects of the insolvent: provided nevertheless, that the said Court shall have full power and authority, upon the application of any insolvent, or any creditor or mortgagee of such insolvent, to delay or postpone the sale of any property, and to make such other order respecting the same as to such Court shall seem meet.

Court may delay or postpone the sale.

Discretionary power vested in the Court as to immediate sales of property of insolvents

XXXII. And whereas insolvents may be entitled to annuities for their own lives, or other uncertain interests, or to reversionary or contingent interests, or may have made advances of money for the cultivation of lands, or may be interested in property in other

entitled to annuities, or contingent or uncertain interests therein.

ways, under such circumstances that an immediate sale and payment of their debts may be very prejudicial to them and to their creditors, and it may be proper in some cases to defer the sale of their property, or some parts thereof, and to put it under temporary management, or to authorize the raising of money by way of mortgage or otherwise for payment of the debts or part of the debts of an insolvent, and for defraying the expenses attending the execution of this Act, instead of selling for such purpose; be it enacted, that in all such cases it shall be lawful for the said Courts for the Relief of Insolvent Debtors at any time to take into consideration all circumstances affecting any property of the insolvent which shall have been vested under the provisions of this Act; and if it shall appear to any Court that it would be reasonable to make any special order touching the same, it shall be lawful for such Court so to do, and to direct that so much of the said property as it may be expedient not to sell immediately according to the provisions of this Act shall not be so sold, and from time to time to order and direct in what manner such property shall be managed for the benefit of the creditors of such insolvent, until the same can be properly sold, or until payment of such creditors be effected according to the provisions of this Act, and to make such order touching the sale or disposition or management of such property as to such Court for Relief of Insolvent Debtors may seem reasonable and beneficial, and upon such terms and conditions with respect to the allowance of interest on debts not bearing interest, or other circumstances, as to such Court shall seem just; and if it shall appear that the debts of any such insolvent can be discharged by means of money raised by way of mortgage or otherwise on any of the said property of the said insolvent, instead of raising the same by sale, it shall be lawful for the said Court so to order, and to give all necessary directions for such purpose, and generally to direct all things which may be proper for the discharge of the debts of such insolvent in such manner as may be most consistent with the interest of such insolvent and of his creditors.

Assignees to keep accounts of the estates of insolvents, with liberty for creditors to inspect the same.

XXXIII. And be it enacted, that the assignee or assignees shall keep accounts of the property, debts, and credits of such insolvent, whether separate or joint, and of all property of the insolvent received by him or them, and all payments made by him or them, which accounts any creditor shall be at liberty to inspect at all seasonable times; and it shall be lawful for the Courts for the Relief of Insolvent Debtors to summon the assignee or assignees before them, and require him or them to produce all books, papers, deeds, writings, and other documents in his or their possession relating to the matters of such insolvency; and upon his or their default, it shall be lawful for such Courts respectively to issue an attachment or attachments against the party or parties so making default, and to cause such assignee or assignees to be brought before them, and to commit such assignee or assignees to prison until he or they shall submit to the Court by which he or they shall have been summoned.

Penalty on assignee improperly dealing with insolvent's estate.

XXXIV. And be it enacted, that if any assignee shall knowingly retain in his hands, for his own benefit, or employ for his own benefit, or knowingly permit any co-assignee so to retain or employ any sum, part of the estate of the insolvent, or shall knowingly omit to invest or pay or deposit any money or other property in the manner in which it may be his duty for the time being, according to law, to invest, pay, or deposit the same, every such assignee shall, besides being liable to be removed therefor from his office of assignee for misconduct, be liable to be charged in his accounts with such sum as shall be equal to interest at the rate of twelve per centum per annum on the amount or value of such money or property, or if any higher interest shall have in fact been made, then to the extent of the interest actually made, and five per centum per annum in addition thereto on all such

money or property, for the time during which he shall have so retained or employed the same, or permitted the same to be so retained or employed as aforesaid, or during which he shall have so neglected to invest or deposit the same as aforesaid; and the Court is hereby required to charge every such assignee in his accounts accordingly, and the amount so charged shall constitute a debt from him to such estate; and if any assignee indebted to the estate of which he is such assignee, in respect of money so retained or employed by him as aforesaid, become insolvent, his discharge under the provisions of this Act shall only have the effect of freeing his person from arrest and imprisonment on account of such debt; but his future effects, excepting the wearing apparel, bedding, and other hereinbefore mentioned articles excepted out of the operation of the vesting order aforesaid, and not exceeding the value hereinbefore limited in that behalf, shall remain liable for so much of his debts to the estate of which he was assignee as shall not be paid by dividends under such insolvency, together with legal interest for the whole amount.

After petition and schedule filed, and adjudication of an act of insolvency, notice to be given to creditors, and published.

XXXV. And be it enacted, that after the petition and schedule of any insolvent shall have been filed in any Court for the Relief of Insolvent Debtors, and after any such adjudication of an act of insolvency shall have been pronounced as aforesaid, the Court shall cause notice thereof to be given to any creditor or creditors of the insolvent at whose suit he may be detained in custody, or the attorney or agent of such creditor or creditors, and to the other creditors resident within the limits of the territories of the East-India Company, as the Court shall direct; and notice to the like effect shall be twice at least published in the Gazette of the presidency where such Court shall be holden; and the Court in such notice shall appoint a day and place for the hearing of the matters of the petition of such insolvent, and for hearing any other applications in the matter of the insolvency.

Court in such notice to appoint a day for hearing.

Course of proceeding on hearing.

XXXVI. And be it enacted, that upon the day so appointed by the Court as aforesaid for such hearing as aforesaid, or on any future day to which such hearing may be adjourned, it shall be lawful for the insolvent and for any creditor of the insolvent, as the case may require, to be heard, either by himself or by counsel in support of or in opposition to the petition of the insolvent, or on any other application relating to the insolvent or his estate; and it shall also be lawful for the Court on those or any other occasions, and from time to time as often as occasion may require, to order any insolvent who is in custody to be brought before it, and to summon any insolvent who shall not be in custody, and the wife of any insolvent, and any other person, whether a creditor or not, who may be known or suspected to have any of the estate or effects of the insolvent in his or her possession, or any person who may be suspected to be indebted to the insolvent, or any person who is believed to be capable of giving any information respecting the estate and effects of such insolvent, or respecting his acts, dealings, or conduct, or any information which will more easily enable the Court to dispose of the estate and effects of the insolvent for the benefit of his creditors; and it shall also be lawful for the Court to examine any insolvent or his wife, or any other such person, whether a creditor or not, in the same way as any other witnesses are examined in her Majesty's Supreme Court at that presidency, in any suits at law or in equity, or according to any rules which may be made for the practice of the said Courts for the Relief of Insolvent Debtors respectively, or for giving effect to this Act, in the manner which is herein prescribed: provided always, that every witness summoned to attend before the Court shall have his necessary expenses tendered to him in like manner as by law is required upon service of a subpœna to a witness in an action at law.

Court may admit affidavit instead of personal appearance, in case of sickness, &c.

XXXVII. Provided asol, and be it enacted, that in all cases where any creditor or other person shall be prevented or hindered from attending the said Court, by reason of sickness or infirmity, or the distance of his residence, or other reasonable cause, to be admitted by the Court, it shall be lawful for the Court to receive the affidavit or solemn affirmation of such creditor or other person, and also, if the Court shall think fit, to permit interrogatories to be filed for the examination or cross-examination of any such person.

Creditor, whose name is not included in the schedule, may claim and prove his debt, and receive dividends thereon.

XXXVIII. And be it enacted, that when any petition shall have been presented under this Act by an insolvent, or any adjudication of an act of insolvency shall have been pronounced as aforesaid, it shall be lawful for any person to whom any such insolvent shall be indebted or liable in respect of any debt or demand which would have entitled such person to be inserted as a creditor in the schedule of such insolvent, to make claim upon the estate of such insolvent, and to prove his debt or demand, whether due by such insolvent solely or jointly with any other person or persons; and such person shall be entitled to and receive a dividend thereon rateably with the other creditors of the said insolvent, although the name of such creditor may have been wholly omitted by the said insolvent in his or her schedule, or may have been inserted for a smaller amount than the debt or demand really due to such person; and where any objection to the existence or amount of such debt or demand shall be made by such insolvent, or any creditor, such Court shall hear the same, and may make such order thereon as may seem meet and just.

Mutual demands may be set off against each other.

XXXIX. And be it enacted, that when there has been mutual credit given to the insolvent and any other person or persons, one debt or demand may be set against the other.

All debts, &c. proveable under fiat in bankruptcy pursuant to 6 G. 4, c. 16, may be proved under insolvency.

XL. And be it enacted, that all such debts, dues, and claims as might be proved under a fiat of bankruptcy bearing even date with the insolvent's petition or the adjudication (as the case may be), according to the provisions of the said Act passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to amend the Law relating "to Bankrupts," or any other statute or statutes now in force or hereafter to be passed relating to bankrupts, may also be proved as is hereinbefore mentioned, in the same manner and subject to the like deductions, conditions, and provisions as in the said statutes are or may be set forth and prescribed.

Power to Court to order dividends to be declared, giving notice of the same.

XLI. And be it enacted, that whenever it shall appear to the Court, either by the accounts of any assignee or assignees, or otherwise, to be probable that a dividend may be beneficially made amongst the creditors, it shall be lawful for the Court to appoint a day for the purpose of making a dividend, and to cause notice thereof to be given in such manner as it shall direct; and on the day appointed, the assignee or assignees shall deliver in upon oath or solemn affirmation, as the case may be, a true statement in writing of all money received by him or by them respectively, and when, and on what account, and how the same have been employed; and the Court shall examine such statement, and compare the receipts with the payments, and shall ascertain what balances, if any, have been from time to time in the hands of such assignee or assignees respectively; and on the said day all parties interested shall be heard, and all objections to the schedule of the insolvent, and to the accounts or conduct of the assignee or assignees; and any claims of any creditors which shall not have been previously determined, shall be heard and determined either by such Court immediately, or on a reference to the examiner or other officer of the Court; and it shall be lawful for the Court to examine the insolvent, the assignees, and any witnesses, either on oath or affirmation, and either at that time to declare a dividend, and to direct that the same shall be paid by the

assignee or assignees, or to postpone such declaration or direction of the same until a further hearing, and to make such order as shall be just.

As to payment of dividends out of separate estates to joint creditors, and out of joint estates to separate creditors.

XLII. Provided always, and be it enacted, that it shall not be lawful for such Court to order any dividend to be made amongst the joint creditors out of the separate estate until the separate creditors shall have been paid in full, nor to order any dividend to be made to the separate creditors out of the joint estate until all the joint creditors shall have been paid in full; in which latter case it shall be lawful for such Court to order such dividend to be made among the separate creditors out of such interest in the joint estate as such insolvent shall appear to be entitled to.

Unless the Court is satisfied that all the estate of the insolvent is within the limits of the charter, and all debtors and creditors reside therein, assignee to reserve one-third part undivided until after twelve months' notice, to be published in the *London Gazette*.

XLIII. Provided always, and be it enacted, that unless it shall appear to the satisfaction of such Court that all the property of the insolvent is situate, and all the debtors and creditors resident, within the limits of the Charter of the East-India Company, then, until the expiration of twelve calendar months from a notice, to be published in the *London Gazette*, of the petition or adjudication of or against any insolvent as hereinafter is mentioned, the assignee or assignees shall reserve the full amount of one third part of all the property of the said insolvent which shall have been got in, and shall make a dividend amongst the creditors of the said insolvent to the amount of the remaining two third parts only, which third part so to be reserved as aforesaid shall in the meantime be invested or disposed of in such way as such Court shall order, and shall not remain in the hands of such assignee or assignees; and at the expiration of the said term of twelve calendar months it shall be lawful for the assignee or assignees of such insolvent to apply to such Court for a return of the said third part so reserved as aforesaid, in order that the same may be so distributed amongst the creditors as to place them all upon an equal footing; and upon such third part so reserved as aforesaid being restored to such assignee or assignees, such assignee or assignees shall forthwith proceed to take an account of the debts of the said insolvent admitted and established in the said court, and of the sum or sums which shall or may have been paid by way of dividend to any of such creditors, and shall distribute the fund then in the hands of such assignee or assignees, so as to place all the creditors of the said insolvent, whether Indian or British or foreign, upon a just and equal footing, and so as that every creditor whose debt or claim shall be admitted or established in the said court shall receive a rateable and proportional part of the assets of the said insolvent, according to the amount of his debt, without reference to the time at which such debt shall have been claimed.

At expiration of twelve months such one-third to be divided.

If creditors do not appear to claim dividend, Court may order payment, or deposit thereof, in such way as it shall see fit.

XLIV. And be it enacted, that if any creditor whose claim shall have been admitted or established in any Court for the Relief of Insolvent Debtors shall not appear, by himself, his attorney or agent, at the making of any dividend, nor shall make application to receive his share thereof, the assignee or assignees shall certify the same to such Court at its first sitting after the making of the dividend, and it shall be lawful for the Court to direct in what manner, and by whom, and upon what conditions the money so due to such creditor shall be kept for or paid to him or to his lawfully constituted attorney or agent.

Power of Court over assignees neglecting to pay dividends or committing breach of duty as such assignees.

XLV. And be it enacted, that if any assignee or assignees shall neglect to pay any dividend which shall have been ordered by any Court for the Relief of Insolvent Debtors, or in any other respect shall neglect or commit any breach of his or their duty as assignee or assignees, it shall be lawful for such Court, having first summoned the assignee or assignees to appear before it and answer the same, to order the payment of such dividend, with interest at such rate as the Court shall award, not exceeding six pounds per centum per annum, and to order

the assignee or assignees to make such compensation to any party injured by such neglect or breach of duty as to such Court shall seem fit, and in default of obedience thereto to commit such assignee or assignees to the common gaol, there to remain without bail until he or they shall obey the order of such Court, and to levy by distress and sale of the offender's goods as much as shall be sufficient to satisfy the order of the Court.

Court may award wages, &c., to servants or clerks not exceeding six months, with power to prove for any sum beyond the same.

XLVI. And be it enacted, that if it shall appear to any of the said Courts for the Relief of Insolvent Debtors, that any such insolvent as aforesaid is indebted to any servant or clerk of such insolvent in respect of wages or salary of such servant or clerk, it shall be law ul for the said Court to order so much as shall be due as aforesaid, not exceeding six months' wages or salary, to be paid to such servant or clerk out of the estate of such insolvent, and such servant or clerk shall be at liberty to prove and receive dividends for any sum exceeding such last-mentioned amount.

Court may, by order of discharge, protect insolvent, or discharge from custody, or dismiss, &c., petition, or order to amend schedule, or adjourn the hearing, &c.

Court may remand insolvent to prison, &c., and order an allowance for maintenance.

XLVII. And be it enacted, that upon application to the Court for that purpose, it shall be lawful for the Court to declare that the insolvent is entitled to his personal discharge under this Act, and to order the same accordingly, which order of discharge shall have the effect of protecting his person from arrest in respect of all demands inserted in his schedule or established in the same Court; and if such insolvent be in custody, it shall be lawful for the Court to order his immediate discharge from custody accordingly, or to dismiss or give leave to amend the petition aforesaid, or to order the insolvent to amend his schedule, or to adjourn the hearing until a future day, or to make a reference to the examiner or other officer of the said Court to make inquiry into any matter of account, or into the truth of the schedule or schedules, and to report thereon to the Court; and it shall also be lawful for the Court to remand the insolvent to prison, if a prisoner, until a further hearing, or until a further time to be named in such order, or to commit the insolvent to custody for any debt or demand, if he shall not be in custody at the time of the hearing, and to cancel or renew any such order as is hereinbefore mentioned, which may have been given for the purpose of affording interim protection to the insolvent from arrest, and to order and direct that the assignee shall make some reasonable allowance for maintenance of the insolvent until final order, the amount of which shall be fixed by the Court, and shall not exceed five Company's rupees per week; and the Court by which any order of discharge shall be made upon any such hearing as is hereinbefore mentioned, shall by such order direct that the assignee shall give such notice of such order as to the Court shall seem fit and convenient.

Discharge to extend to any sums payable by insolvent by way of annuity at any future time, &c.

Persons who would be creditors, if monies were presetnly due, entitled to benefit of provisions of this Act.

Discharge to extend to costs incurred before insolvency.

XLVIII. And be it enacted, that the discharge of any such insolvent as aforesaid shall and may extend to any sum or sums of money which shall be payable, by way of annuity or otherwise, at any future time or times, by virtue of any bond, covenant, or other security whatsoever, and to any sum or sums of money payable at a certain time, which time shall not have arrived at the time of the act of insolvency or petition of such insolvent; and that every person and persons who would be a creditor of such insolvent for such sum of money, if the same were presently due, shall be admissible as a creditor of such insolvent, for the value of such sum of money so payable as aforesaid, which value the said Court shall, upon application at any time made in that behalf, ascertain; and such creditor shall be entitled in respect of such value to the benefit of all the provisions made for creditors by this Act, without prejudice, nevertheless, to the respective securities of such creditor, excepting as respects such insolvent's discharge under this Act; and the discharge by virtue of this Act as to any debt or demand of any creditor of the insolvent shall be deemed to extend also to all costs incurred by such creditor before the insolvency in any action or suit for the recovery of the same, and

to any process of contempt for enforcing the same, and to all costs which the insolvent would be liable to pay in clearing such contempt; and that all persons as to whose demands for any such costs as aforesaid the discharge of the insolvent is so to extend shall be deemed creditors of the insolvent in respect thereof, and entitled in respect thereof to the benefit of all the provisions made for creditors by this Act, subject nevertheless to ascertaining the amount of such demands by taxation or otherwise.

Suits against the insolvent pending at the time of insolvency, and all proceedings therein, may be stayed, so far as relate to debts contained in insolvent's schedule.

XLIX. And be it enacted, that if after the filing of any insolvent's schedule in the said Court for the Relief of Insolvent Debtors, and before such insolvent shall obtain his discharge in the nature of a certificate hereinafter mentioned, any suit or action shall be pending against the insolvent, his heirs, executors, or administrators, in any Court within the limits aforesaid, or any execution or process shall be sued out or issued from any of the said Courts, or be enforced against such insolvent, his heirs, executors, or administrators, for or in respect of any debt or demand admitted in the schedule of the insolvent, or disputed as to amount only, the said Court in which such action or suit shall be pending, or from which such execution or process as aforesaid shall issue, on proof to its satisfaction that such action or suit, execution or process, is in respect of the debt or demand aforesaid, may stay the proceedings in such suit or action, so far as the same respects the said debt or demand, until further order of the said Court, and may set aside or suspend such execution or process, so far as the same respects the said debt or demand, until further order of the said Court, as it shall think fit; and in such case the plaintiff shall pay all costs reasonably incurred by such insolvent, his heirs, executors, or administrators, by reason of such proceedings, and such execution and process as aforesaid, subsequent to such plaintiffs having notice of his debt or demand being included in such schedule as aforesaid: provided always, that no prisoner whose estate shall by an order under this Act have been vested in the said official assignee shall after such order, and whilst the same is in force, be discharged out of custody otherwise than under the provisions of this Act, as to any action, suit, or process, or concerning any demand with respect to which an order of discharge can, under the provisions of this Act, be made; nor shall such action, suit, or process abate, be discontinued, terminated, or dismissed, or the plaintiff be in any way subject to pay costs, by reason merely of his not having taken any further step in such cause, suit, or process, or his forbearing to proceed with the same, after such vesting order as aforesaid.

No prisoner whose estate is vested in assignee to be discharged, as to certain actions, &c., except under this Act.

Penalty on insolvent fraudulently concealing his effects, or destroying or falsifying books, or giving undue preference, or contracting debts by breach of trust, &c.

L. And be it enacted, that in case it shall appear to any Court for the Relief of Insolvent Debtors, that any such insolvent has fraudulently, with the intent to conceal the state of his affairs, or to defeat the objects of this Act, destroyed or otherwise wilfully prevented or purposely withheld the production of any book, paper, or writing relating to such of his affairs as are subject to investigation under this Act, or kept or caused to be kept false books, or made false entries in, or withheld entries from, or wilfully altered or falsified any such book, paper, or writing, or that such insolvent has fraudulently, with intent of diminishing the sum to be divided among his creditors, or of giving an undue preference to any of the said creditors, discharged or concealed any debt due to or from the said insolvent, or made away with, charged, mortgaged, or concealed any part of his property, of what kind soever, such Court shall have power to adjudge that the insolvent shall be imprisoned for a period or periods not exceeding two years in the whole, as such Court shall direct, and to declare him entitled to his discharge as aforesaid, at the expiration of the term of imprisonment to which he shall be sentenced, and by warrant under the seal of the Court to order him to be arrested and committed to prison, and there to be detained accordingly.

Insolvents fraudulently, vexatiously, frivolously, or maliciously contracting certain debts, not entitled to discharge.

LI. And be it enacted, that in case it shall appear to any such Court that such insolvent shall have contracted any of his debts fraudulently, or by means of breach of trust, or by means of false pretences, or without having any reasonable or probable expectation at the time when contracted of paying the same, or shall have fraudulently or by means of false pretences obtained the forbearance of any of his debts by any of his creditors, or shall have put any of his creditors to any unnecessary expense, by any vexatious or frivolous defence or delay, to any suit for recovering any debt or any sum of money due from such insolvent, or shall be indebted in costs incurred in any action or suit vexatiously brought or defended, or shall be indebted for damages recovered in any action for criminal conversation with the wife, or for seducing the daughter or servant of the plaintiff in such action, or for breach of promise of marriage made to the plaintiff in such action, or for damages recovered in any action for a malicious prosecution, or for a libel or for slander, or assault or battery, or malicious arrest, or in any other action for a malicious injury done to the plaintiff therein, or in any action of tort or trespass to the person or property of the plaintiff therein, wherein it shall appear to the satisfaction of such Court that the injury complained of was malicious, or if it shall appear that the insolvent's whole debts so greatly exceed his means of providing for the payment thereof during the time when the same were in the course of being contracted, reference being had to his actual and expected property, as to show gross misconduct in contracting the same, then and in every such case it shall and may be lawful for such Court to adjudge that such insolvent shall be so discharged and so entitled as aforesaid forthwith, excepting as to any debts, sum or sums of money, or damages to be specially mentioned in the order, and as to such debt or debts, sum or sums of money, or damages, to adjudge that such insolvent shall be so discharged and so entitled as aforesaid, as soon as he shall have been in custody at the suit of the person or persons who shall be creditor or creditors for the same respectively, for such period or periods, not exceeding two years in the whole, as such Court shall direct.

Where insolvent is ordered to be discharged after imprisonment, he may still be liable to be arrested and charged in custody at the suit of certain creditors.

LII. And be it enacted, that in all cases where it shall have been ordered that any such insolvent shall be discharged from imprisonment as aforesaid at some future period, such insolvent shall be subject and liable to be detained in prison, and to be arrested and charged in custody, at the suit of any one or more of his creditors with respect to whom it shall have been so ordered, at any time before such period shall have arrived, in the same manner as he would have been subject and liable thereto if this Act had not passed: provided, nevertheless, that when such period shall have arrived such insolvent shall be entitled to the benefit and protection of this Act, notwithstanding that he may have been out of actual custody during all or any part of the time mentioned in such order, by reason of such insolvent not having been arrested or detained during such time or any part thereof.

Where insolvent liable to further imprisonment at the suit of creditors, Court may order detaining creditor to allow him a sum for maintenance.

LIII. And be it enacted, that in all cases where such insolvent shall, upon such order as aforesaid, be liable to further imprisonment at the suit of his creditors or any of them, it shall be lawful at any time for the Court by which such order shall be pronounced, on the application of such insolvent, to order such creditor or creditors at whose suit he shall be so imprisoned to pay to such insolvent such sum or sums not exceeding the rate of five Company's rupees by the week in the whole, at such times, and in such manner, and in such proportion, as such Court shall direct, and that in failure of payment thereof, as directed by such Court, such Court shall order such insolvent to be forthwith discharged from custody at the suit of the creditor or creditors so failing to pay the same.

Creditor opposing discharge of insolvent, to have his costs allow-

LIV. And be it enacted, that whenever any creditor or creditors opposing such insolvent's discharge, shall prove to the satisfaction of any such Court that such insolvent has done or

committed any act for which he may be liable to remain in such custody as aforesaid, it shall be lawful for such Court to order the taxed costs of such opposition to be paid to such opposing creditor or creditors, out of the estate and effects of such insolvent, by his or her assignee or assignees, before any dividend made thereof; and in all other cases of opposition to an insolvent's discharge being substantiated or effectual, it shall be lawful for such Court to adjudge in like manner; and that in case it shall appear to such Court that the opposition of any creditor to any such insolvent's discharge was frivolous and vexatious, it shall and may be lawful for such Court to award such costs to such insolvent as shall appear to be just and reasonable, to be paid by the creditors making such opposition, which shall be paid accordingly.

ed him out of the estate in certain cases; if opposition frivolous or vexatious, Court may award costs against such creditor.

LV. And be it enacted, that where in the matter of any such petition heard before any such Court, any order shall have been made by such Court for the discharge of any insolvent, such Court shall also issue a warrant or warrants to the gaoler accordingly, ordering the discharge of such insolvent from custody, as to any arrest or detainers under which he may then be confined, or which may be lodged against him before he shall be out of custody, the same being for debts in respect of which such order of discharge shall have been made, and that every such order of discharge shall take effect as from the day on which it was pronounced, and that every such order may be made without specifying therein any such debt or debts, or sum or sums of money, or claims as aforesaid, or naming therein any such creditor or creditors as aforesaid, except in so far as shall be necessary in any case in order to distinguish between the creditors as to whom any such insolvent may be ordered so to be discharged as aforesaid forthwith, and the creditors as to whom he may be ordered to be so discharged at some future period: provided nevertheless, that in all cases the arrest or detainer with respect to which any such insolvent shall have been ordered to be discharged out of custody, he being then in custody thereupon, shall be specified in the warrant of such Court, to be delivered to the gaoler in that behalf.

Where order has been issued for discharge of insolvent, the Court may also discharge him as to any arrest or detainers that may be lodged against him in respect of the same.

LVI. And be it enacted, that every such order for discharge of any insolvent as aforesaid by any such Court as aforesaid, except in cases of appeals, shall be final and conclusive, and shall not be reviewed by such Court, unless such Court shall thereafter see good and sufficient cause to believe that such order has been made on false evidence, or has been made by reason of an improper suppression of evidence, or of any false statements in the insolvent's schedule, or has otherwise been fraudulently obtained, in which case it shall and may be lawful for such Court, upon the application of such insolvent, or of any creditor of such insolvent, to order such insolvent, upon due notice to be given to such persons and in such manner as the said Court shall direct, to attend or to be brought up and the said matter to be reheard before the said Court, who shall thereupon rehear the same, and shall and may, if just cause shall appear, annul the original order made in such case, and shall have the same powers and authorities upon such rehearing as upon an original hearing in pursuance of this Act, and may adjudicate in such matter accordingly; and thereupon, in case the former order in the said matter shall not be confirmed, such order, certificate, and warrant, so far as circumstances require, shall be made as required by this Act to be made in the case of the original order; and the said Court shall and may, if necessary, remand the said insolvent to the same custody in which he or she was at the time of the former hearing, there to be subject to imprisonment as if the former order therein had not been made; and thereupon all detainers which were in force against such insolvent at the time of his or her former discharge from custody shall be deemed to be still in force against him or her as if such former order had not been made; and the gaoler and keeper of the prison to which such insolvent shall be

Such order for discharge, except in cases of appeals, shall be final and conclusive unless obtained fraudulently.

so remanded shall and is hereby required to receive such insolvent into his custody in pursuance of such remand, for doing which the order of remand in such case shall be his sufficient warrant; and where in any case such insolvent shall refuse or neglect to appear before such Court according to such order for rehearing as aforesaid, a copy whereof shall have been duly served on such insolvent, it shall and may be lawful for such Court to order such insolvent to be apprehended and committed to custody to such prison, and to issue its warrant accordingly, and to cause such insolvent to be brought up for examination as often as to such Court shall seem fit: provided always, that where upon such rehearing it shall appear to such Court that such insolvent is not entitled to the benefit of this Act until some future period, according to the provisions herein contained, the said Court shall and may, if it shall appear reasonable, adjudge the discharge of such insolvent at such future period, to be calculated without including the time during which such insolvent shall be out of custody since the time appointed for his or her discharge by such former order as aforesaid.

If order issued erroneously, Court may revoke, annul, suspend, or amend the same, and re-commit the prisoner.

LVII. Provided always, and be it enacted, that if in any case an order for the discharge of any such prisoner shall have issued erroneously, and which is not pursuant to the intended order of the Court in that behalf, it shall be lawful for the said Court, on such error being shown to the Court, to revoke such order, and to annul, suspend, or amend the same, and, if necessary, to recommit such prisoner to his former custody, when by such order he shall have been discharged therefrom; and the gaoler or keeper of the prison to whose custody such prisoner shall be so recommitted is hereby required to receive such prisoner into his custody, according to such recommitment, and thereupon all detainers which were in force against such prisoner at the time of such discharge as aforesaid shall be deemed to be still in force against him as if such erroneous order had not issued.

On request of assignee, insolvent may at any time, although discharged, be further examined touching his estate.

Penalty on insolvent refusing to appear.

LVIII. And be it enacted, that it shall and may be lawful to and for the assignee or assignees from time to time, although an order for the discharge of the insolvent may have been made, to apply to the Court that such insolvent may be further examined as to any matter or things relating to his estate and effects by such Court, and thereupon it shall be lawful for the said Court to order the same; and in case such insolvent shall neglect or refuse to appear before such Court, at such time and place as shall be directed by such order, or shall refuse to be sworn, or to answer to such questions as shall be put to him relating to the discovery of his said estate and effects, then and in any of such cases it shall be lawful for such Court by warrant to commit such insolvent to gaol, there to remain without bail or mainprize, until such time as he shall submit himself to the order of such Court in that behalf, and shall answer upon oath or otherwise, as shall be required, to all such lawful questions as shall be put to him in pursuance of the same, for the purposes aforesaid.

Where estate pays one-third of insolvent's debts, or where creditors to that amount consent, Court may grant an order nisi for final discharge of insolvent, appoint time for hearing, and direct notices to be given.

LIX. And be it enacted, that whenever it shall appear that the estate of any insolvent which has come to the hands of his assignee has sufficed to pay one-third of his debts admitted or established in the matter of the said insolvency, or that a majority in number and value of the creditors whose debts are admitted by the schedule, or established by proof, have consented to such application, it shall be lawful for the said Court, at any time after the hearing of his petition, upon the application of the insolvent by petition, which may be in the form contained in the schedule (E.) to this Act annexed, with such variations as the case may require, to make an order nisi for his discharge in the nature of a certificate, and such order shall specify the creditors whose demands are thereby sought to be discharged, and shall appoint a time for the further hearing of the said petition, and shall direct such notice to be given of such order in the meantime as it shall think fit, and in case any of the creditors

against whom such discharge shall be sought shall appear to the Court to be resident without the limits of the Charter of the East-India Company, to cause notice of such order, or of so much thereof as may appear necessary, to be inserted in the Gazette of the presidency; and the chief secretary of the Government of the presidency shall thereafter, without delay, transmit copies of such Gazettes containing such notice as aforesaid, by separate conveyances, to the Court of Directors of the East-India Company, who shall, without delay, cause an extract from such Gazette to be inserted in the *London Gazette;* and upon the further hearing of such petition, it shall be lawful for the said Court to make such order absolute, or to dismiss such petition, or to adjourn the further hearing thereof, or to make such order therein as shall be just; and such discharge, unless order shall be made to the contrary, shall extend to and shall discharge the insolvent personally, and also his after-acquired property, from the demands of all the creditors named in the said order nisi: provided always, that such order shall not affect any creditor without the limits of the Charter of the said East-India Company, unless notice of the said order nisi shall have been directed to be given in the Gazette in manner aforesaid, and a period of twelve calendar months shall have elapsed between the date of the said order nisi and the date of the said order to make the same absolute: provided also, that such order shall not operate as a release or discharge of any person who was a partner with such insolvent, or jointly bound or liable with him.

Court may, upon application of insolvent trader, provided he has filed his schedule, make an order nisi for his discharge, appoint a time for hearing, and direct notices to be given.

LX. And be it enacted, that it shall be lawful for any insolvent debtor being such trader as hereinbefore is mentioned, who shall have presented a petition under this Act, or as to whom an adjudication that he has committed an act of insolvency shall have been made under this Act, provided he shall have filed his schedule, to apply to the said Court by petition, which may be in the form contained in the schedule (F.) to this Act annexed, with such variations as the case may require; and that it shall be lawful for the said Court, upon such petition, to make an order nisi for his discharge in the nature of a certificate, and to appoint a time for the further hearing of the said petition, and to direct such notices to be given of such order in the meantime as it shall think fit, and in case any of the creditors against whom such discharge shall be sought shall appear to the Court to be resident without the limits of the Charter of the East-India Company, to cause notice of such order to be inserted in the Gazette of the presidency; and the chief secretary of the Government of the presidency shall thereafter without delay transmit copies of such Gazettes containing such notice as aforesaid, by separate conveyances, to the Court of Directors of the said East-India Company, who shall without delay cause an extract from such Gazette containing such notice to be inserted in the *London Gazette;* and upon the further hearing of the said petition, it shall be lawful for the said Court to make such order absolute, or to dismiss such petition, or to adjourn the further hearing thereof, or to make such order therein as shall be just; and such discharge, unless such order shall be made to the contrary, shall extend to and shall discharge the insolvent personally, and also his after-acquired property, from all demands which would be discharged by a certificate under the Bankrupt Laws, granted under a fiat bearing even date with the insolvent's petition, or with the adjudication, as the case may be: provided always, that such order shall not affect any creditor without the limits aforesaid, unless notice of the said order nisi shall have been directed to be given in the *London Gazette* in manner aforesaid, and a period of twelve months shall have elapsed between the date of the said order nisi and the date of the said order to make the same absolute: provided also, that such order shall not operate as a release or discharge of any person who was partner with such insolvent, or jointly bound or liable with him.

If insolvent, discharged by such order, be again sued in respect of former debts, Court may, on his application, order proceedings to be stayed, and award costs.

LXI. And be it enacted, that if any such insolvent, his heirs, executors, or administrators, shall, after such order for discharge in the nature of a certificate under this Act as aforesaid, be sued or arrested either on mesne or final process, or execution shall issue against his or their property, for any debt, claim, or demand from which the said insolvent shall have been discharged by such order, on his or their application to any Court having power to stay such proceedings, or to discharge from such arrest, or to set aside such execution, and upon proof to the satisfaction of such Court of such order, and that the debt or claim for which such proceedings are had is the same from which the said insolvent has been discharged by such order as aforesaid, such proceedings shall be stayed, and he or they shall be discharged from such arrest, and such process of execution shall be set aside, and all further proceedings in the suit in which such arrest or such execution was, shall also be stayed, and the said Court shall have power to award costs to the said insolvent, or his heirs, executors, or administrators, as aforesaid, in case the said proceedings shall appear to the said Court to have been taken after notice of the said order, and without any reasonable cause for impeaching the same, or to have been otherwise oppressive or vexatious.

Nothing in this Act to affect debts, penalties, &c., due to the Crown.

LXII. Provided always, and be it enacted, that no debt due to our sovereign lady the Queen, nor any fine, penalty, or forfeiture whatsoever, nor any recognizance whereby a debt is acknowledged to the Queen, nor any debt due on account of any fine, penalty, or forfeiture, or any estreat, shall be deemed or taken to be such a debt or debts as to entitle any person or persons to petition as is before mentioned, nor shall any person be entitled to receive any dividend for the same under this Act, nor shall any such fines, penalties, forfeitures, recognizances, debts, or estreats be in any way discharged or affected by any thing done under this Act, otherwise than they might and would have been discharged or affected if this Act had not been passed.

Special provisions for insolvent married women;

LXIII. And be it enacted, that the provisions of this Act shall extend to married women, and that the order vesting the estate and effects of such married woman in the official assignee shall extend to and operate upon her interest in any property, real or personal, in possession, reversion, remainder, or expectancy, subject to any rights of her husband therein, and to all property over which she shall have any beneficial power of disposition, notwithstanding her coverture, to the extent of the benefit which she might acquire therein by the exercise of such power; but that the same shall not extend to her wearing apparel, bedding, and other such necessaries, not exceeding in the whole the value of two hundred Company's rupees: provided always, that the discharge of any married woman under the provisions of this Act shall not extend to discharge her husband from any debt in respect of which his wife shall be so discharged, but such debt, as far as the same shall remain unpaid and unsatisfied, shall be chargeable upon and in force against such husband, as fully to all intents and purposes as if his wife had not obtained such discharge.

and for insolvent lunatics.

LXIV. And be it enacted, that if any such prisoner for debt as aforesaid shall be or become of unsound mind, and be therefore incapable of taking the benefit of this Act in such manner as he might have done if of sound mind, the gaoler or keeper of the prison wherein such prisoner shall be, shall give information thereof to the Court for the Relief of Insolvent Debtors of the presidency wherein such prison shall be situated, which Court may thereupon proceed to inquire touching and respecting the state of the prisoner's mind, by examination of witnesses upon oath or solemn affirmation, or by such other means as it shall think fit; and if such Court shall conclude that the prisoner is of unsound mind, it shall be lawful for such Court, at the instance of any person on behalf of such prisoner, to order notice to be

twice inserted in the Gazette of such presidency, and in such notice to specify and direct that application shall be made to such Court for the discharge of such prisoner on a day to be specified in such notice, being twenty days at least from the first time of publication of such notice; which notice, together with service of the notice on the creditor or creditors at whose suit such prisoner shall be detained in custody, or his, her, or their attorney, shall be deemed sufficient to authorize such Court to proceed to the discharge of such prisoner, and such Court shall proceed accordingly, and discharge such prisoner: provided always, that all and every the estate, right, title, interest in law and equity, real and personal, power, benefit, and emolument whatsoever, which would vest in the official assignee under a vesting order in the case of a petition by such insolvent if he were of sound mind, shall, by force and virtue of the order for the discharge of such prisoner, be vested in the official assignee in the manner and for the purposes hereinbefore mentioned.

Warrants of attorney and cognovits to be void unless filed in six weeks after execution.

LXV. And be it enacted, that after the time appointed for this Act to take effect every warrant of attorney to confess judgment in any personal action in any of her Majesty's Supreme Courts of judicature at Calcutta, Madras, and Bombay respectively, and every cognovit actionem given by any defendant in any personal action which shall be pending in any of the said Courts, shall, within six weeks after the execution of such warrant or cognovit, be filed, together with an affidavit of the time of the execution thereof, with the prothonotary or other proper officer of the Court in which the judgment is confessed or the action is pending; and every such warrant of attorney and cognovit actionem as aforesaid, which shall not be so filed as aforesaid, shall be deemed fraudulent, null, and void, to all intents and purposes; and if any warrant or cognovit which shall be so filed as aforesaid shall have been given subject to any defeazance or condition, such defeazance or condition shall be written on the same paper or parchment on which such warrant or cognovit shall be written before the time when it shall be filed, otherwise such warrant or cognovit shall be null and void to all intents and purposes.

Prothonotary, &c., to keep books for registry of warrants of attorney and cognovits, pursuant to 3 G. 4, c. 39.

LXVI. And be it enacted, that the prothonotary or other proper officer of her Majesty's Supreme Courts of judicature at Calcutta, Madras, and Bombay respectively, shall cause every warrant of attorney and cognovit actionem in any personal action filed in his office to be numbered, and shall keep a book or books in his said office, in which he shall cause to be entered an alphabetical list of all such warrants and cognovits according to the form of a schedule annexed to an Act passed in the third year of his late Majesty King George the Fourth, intituled, "An Act for preventing Frauds upon Creditors by secret Warrants of "Attorney to confess Judgment;" which book or books, and every warrant of attorney and cognovit actionem filed as aforesaid, shall and may be searched and viewed at all times upon payment of the fees lawfully established.

Court may order memorandum of satisfaction to be endorsed.

LXVII. And be it enacted, that it shall be lawful for the Court in which any such warrant or cognovit is filed to order a memorandum of satisfaction to be written upon any such warrant or cognovit, if it shall appear to such Court that the debt for which such warrant or cognovit was given as a security shall have been satisfied or discharged.

Affidavits and affirmations may be sworn, &c., before Courts, &c., appointed for that purpose.

LXVIII. And be it enacted, that affidavits and affirmations to be used before any Court for the Relief of Insolvent Debtors, or any officer of such Court, may be sworn and affirmed before such Court, or any Commissioner or other person appointed by such Court for that purpose, or any Judge or Commissioner for taking affidavits in any of her Majesty's Courts of Record within the limits of the said East-India Company's Charter, or before any master

or master extraordinary in Chancery in England or Ireland, or any magistrate authorized to take affidavits or affirmations in Scotland.

Penalty for perjury, or for forging or counterfeiting the seal of any Court.

LXIX. And be it enacted, that if any person, in any proceeding, examination, affidavit, or affirmation, had or taken under this Act, shall wilfully and corruptly swear or affirm falsely, or shall forge or counterfeit the seal of any of the said Courts, or knowingly concur in using any such forged or counterfeit seal, for the purpose of authenticating any proceedings or document, it shall be lawful for any Court before which any such person shall be convicted of any such offence by due course of law to order and adjudge such person to be transported to such place and for such term as the Court shall direct, or in either case to order and adjudge that such person shall be imprisoned and fined, or imprisoned or fined only, for such time, and to such amount, and in such manner as the same Court shall direct.

Penalty for embezzlement or concealment of effects, books, papers, &c.

LXX. And be it enacted, that if any insolvent who shall have filed a petition for relief, or against whom any such adjudication as aforesaid of an act of insolvency shall have been made in any of the said Courts for the Relief of Insolvent Debtors in India, or any other person, shall wilfully and fraudulently embezzle or conceal or remove any part of the real and personal estate or effects of such insolvent, or any books of account, papers, or writings relating thereto, with intent to defraud his creditors, or shall destroy, alter, mutilate, or falsify any of his books, papers, writings, or securities, or make or be privy to the making of any false or fraudulent entry in any book of account or other document, with intent to defraud his creditors, it shall be lawful for any Court before which any such person shall be convicted of any such offence by due course of law to order and adjudge that such person shall be transported to such place and for such term of years as the said Court shall direct, or to order and adjudge that such person shall be imprisoned and fined, or imprisoned or fined only, for such time, and to such amount, and in such manner as the same Court shall direct.

Application of fines imposed for the foregoing offences.

LXXI. And be it enacted, that whenever any person or persons shall have been ordered and adjudged, under the provisions of this Act, to pay any fine for any forgery or perjury, or embezzlement or concealment, or any other such offence as lastly hereinbefore is mentioned, and such fine shall have been paid, it shall be lawful for any assignee or assignees in whom the estate and effects of any insolvent or insolvents shall be duly vested according to the provisions of this Act to apply to the Court by which such fine shall have been imposed; and if it shall be proved to the satisfaction of the same Court that the creditors for whose benefit the said assignee or assignees shall hold in trust the said estate and effects have been defrauded, or have incurred loss, by means of such forgery, perjury, embezzlement, concealment, or other offence as aforesaid, the said Court by which the said fine shall have been imposed may direct the same to be paid, after deducting the costs of prosecution, to the said assignee or assignees, for the use and benefit of the said creditors: provided always, that if no such application shall be made by such assignee or assignees within one year after any such fine shall have been paid, it shall be lawful for the Court by which such fine shall have been imposed to appropriate, apply, and to pay over such fine to such uses, purposes, and persons, and in such manner, as any other fine imposed by the same Court for any other crime or misdemeanor may be lawfully appropriated, applied, and paid over.

Any person interested in proceedings before the Court may, on making a deposit, re-

LXXII. And be it enacted, that any person who shall be interested in any proceeding of any of the said Courts for the Relief of Insolvent Debtors, upon depositing with the proper officer of the Court a sum of money, of which the amount shall be fixed by the Court, may

require that the whole of the evidence relating to any such proceeding may be taken down in writing by a sworn officer of the Court, and the same shall be done accordingly; and in case such person shall not within one calendar month thereafter present a petition of appeal as is hereinafter directed, it shall be lawful for the Court in which such evidence shall have been so taken down in writing as aforesaid to pay the reasonable costs and expenses thereof out of the money which shall have been so deposited as aforesaid, returning the surplus, if any, to the person who shall have deposited the same.

quire the evidence, &c. to be taken down by a sworn officer of the Court.

LXXIII. And be it enacted, that it shall be lawful for any person who shall think himself aggrieved by any adjudication, order, or proceeding of any such Court for the Relief of Insolvent Debtors to present, within one calendar month thereafter, a petition to the Supreme Court of judicature of the presidency; and it shall be lawful for such Court to order that the whole of the evidence, if any, which shall have been so taken down in writing as aforesaid, and the minutes and records of the proceedings of which complaint shall have been made, shall be brought before it; and the said last-mentioned Court shall inquire into the matter of the petition, and of such proceedings and evidence, and shall make such order thereon as to the same Court shall seem meet and just, and shall thereby direct by whom and in what manner the costs of such petition, and of the proceedings which shall have been had thereon, and of the taking down of any such evidence in writing, and of the proceedings of which complaint shall have been made, shall be paid; and such order shall be final and conclusive as to all parties, and shall be compulsory and binding upon the Court in which such proceedings so complained of shall have been had.

Power of appeal to the Supreme Court of the presidency.

LXXIV. And be it enacted, that the proper officer of the several Courts for the Relief of Insolvent Debtors shall, on the reasonable request of any such insolvent as aforesaid, or of any creditor or creditors of such insolvent, or his, her, or their attorney, produce and show to such insolvent, creditor or creditors, and his, her, or their attorney, at such times as such Courts respectively shall direct, every petition, schedule, order of adjudication, and all other orders and proceedings made and had relating to such insolvent; and the said Court shall order the assignees of such insolvent, or the said officer of the Court, as the case may be, to permit the said insolvent, creditor or creditors, or their respective attornies, to have inspection, at all reasonable times, of all books, papers, and writings relating to the matters of the said insolvency, and the estate of the said insolvent in the possession of such assignees, or filed in Court in such matter, and permit him, her, or them to inspect and examine the same; and such officer or such assignees as aforesaid shall provide for any such insolvent, or creditor or creditors, or his, her, or their attorney requiring the same, a copy or copies of such petition or other proceedings, books, papers, and writings as aforesaid, or of such part thereof as shall be required, receiving such fee or sum or rate of charge as such Court shall appoint for so providing the same; and that a copy of such petition, schedule, order, and other orders and proceedings as aforesaid, purporting to be signed by the officer in whose custody the same shall be, or his deputy, certifying the same to be a true copy of such petition, schedule, order, or other proceedings, and appearing to be sealed with the seal of the said Courts respectively, shall at all times, and on behalf of all persons, and whether for the purposes of this Act or otherwise, be admitted in all Courts whatever, and before Commissioners of bankrupt and justices of the peace, without any proof of such seal or other proof whatsoever, as sufficient evidence of the same.

Officers of Courts to produce proceedings, and give copies thereof.

LXXV. And be it enacted, that no conveyance, assignment, letter of attorney, affidavit, certificate, or other proceeding, instrument, or writings whatsoever, before or under any order

Conveyances, &c., under this Act, not liable to stamp duties.

nor sales directed by the Court to auction duty.

of any of such Courts for Relief of Insolvent Debtors, nor any copy thereof, nor any advertisement inserted in any newspaper by direction of any such Court relating to matters within the jurisdiction of such Court, shall be liable to or chargeable or charged with the payment of any stamp or other duty whatsoever; and that no sale of any real or personal estate of any such insolvent as aforesaid, for the benefit of his or her creditors under this Act, shall be liable to any auction duty.

Supreme Courts may make rules and regulations, and may alter and amend the same, subject to her Majesty's approval.

LXXVI. And be it enacted, that her Majesty's Supreme Courts of judicature at Calcutta, Madras, and Bombay respectively shall respectively have power from time to time to make all necessary and reasonable rules, not inconsistent with the provisions of this Act, for facilitating and carrying into effect within their respective jurisdictions the relief intended to be given by this Act in cases for which sufficient provision has not been thereby made, and from time to time to alter and vary such rules; all which rules shall from time to time be transmitted to the President of the Board of Commissioners for the Affairs of India, to be laid before her Majesty for her royal approbation, correction, or revision.

Filing of petition by insolvent, and adjudication of an act of insolvency, conclusive evidence of an act of bankruptcy committed by insolvent.

LXXVII. And be it enacted, that the filing of a petition by any insolvent debtor under this Act, and the adjudication of an act of insolvency under this Act, shall, for the purpose of the laws concerning bankrupts in England, be accounted and adjudged conclusive evidence of an act of bankruptcy committed by such insolvent at the time of filing his petition, or of filing the petition on which the adjudication shall be made, if the insolvent shall then be a person subject to the laws then in force respecting bankrupts; and any creditor or creditors of such insolvent whose debt or debts shall be of sufficient amount to enable him or them by law to petition for a fiat in bankruptcy may, at any time within two months after notice of the insolvency shall have been given in the *London Gazette* as hereinafter is directed, sue out a fiat in bankruptcy in that part of the United Kingdom called England, against such insolvent, under which all such proceedings may be had and taken as are authorized and directed, or shall be authorized and directed, by any statute or statutes now in force or hereafter to be passed respecting bankrupts, except as hereinafter provided.(1)

(1) [See also 12 & 13 Vict. cap. 106, sec. 75.]

Creditor may issue fiat in bankruptcy thereupon;

LXXVIII. And be it enacted, that when any creditor or creditors resident within the limits of the Charter of the East-India Company shall be desirous of suing out such fiat in bankruptcy against any such insolvent trader, it shall be lawful for such person or persons to make proof of his or their debt or debts before any of the said Courts for the Relief of Insolvent Debtors, which proof shall be certified under the seal of such Court; and the production of the certificate thereof, so sealed as aforesaid, shall, without any proof of the genuineness of such certificate or of such seal, be sufficient evidence of a petitioning creditor's debt to warrant the issuing of a fiat, and also to authorize all further proceedings thereon.

but such fiat not to invalidate or make void any proceedings had by Insolvent Debtors Court before the issuing of such fiat.

LXXIX. Provided always, and be it enacted, that in the case of the issuing of any fiat in bankruptcy against any such insolvent trader, such fiat shall not in any manner affect, invalidate, or make void any acts or proceedings had or done before the issuing of such fiat of or by or under the authority of any Court for the Relief of Insolvent Debtors in India, either by any assignee or assignees, or any other person or persons acting either mediately or immediately under the authority of any such Court, and whether without or within the limits of the Charter of the said East-India Company; nor shall such fiat in any manner affect, invalidate, or make void any such acts or proceedings as aforesaid had or done after the issuing of such fiat, respecting any property or interest whatsoever of such insolvent, real or

personal, or other matter, thing, or person whatsoever within the said limits; nor shall the assignee or assignees under any such fiat in bankruptcy acquire any right or title to take possession of, demand, sue for, or recover any property or interest whatsoever, real or personal, of such insolvent, within the limits aforesaid; but the assignee or assignees under such insolvency shall, notwithstanding such fiat in bankruptcy, have full power and control over all the real and personal property of such insolvent within the limits aforesaid, as well as over that without the limits aforesaid, of which they may have taken actual possession before the issuing of such fiat, and shall have the distribution and management of all such property, as fully and effectually as if such fiat in bankruptcy had not issued.

Creditors having proved under insolvency to be admitted as creditors without further proof under the bankruptcy, and creditors under bankruptcy to receive dividends on debts under insolvency.

LXXX. And be it enacted, that all the creditors of any such insolvent whose debts shall have been admitted or allowed by any Court for the Relief of Insolvent Debtors in India shall, without further proof, be entitled to be admitted as creditors under any such fiat in bankruptcy as aforesaid, for the purpose of receiving an equal dividend upon the estate of such bankrupt with the creditors who shall have proved their debts under such fiat; and in like manner all creditors under such fiat whose debts shall have been duly established shall be entitled to be admitted as creditors, without further proof, in such Court for the Relief of Insolvent Debtors, for the purpose of receiving an equal dividend upon the estate of such insolvent with the creditors whose debts shall have been allowed in such Court.

Insolvent made bankrupt not liable to penalty for not surrendering until 42 days after arrival.

LXXXI. Provided always, and be it enacted, that when any such insolvent shall be declared bankrupt upon the sole ground hereinbefore mentioned, he shall not be required to surrender or be liable to any penalty for not surrendering himself to be examined under his commission until forty-two days after he shall have come into some part of the said United Kingdom of Great Britain and Ireland.

Notices of insolvency, &c., to be inserted in the Gazettes of the presidencies and the *London Gazette*.

LXXXII. And be it enacted, that the principal officer of the respective Courts for the Relief of Insolvent Debtors shall cause notices to be inserted in the Gazettes of the respective presidencies within which such Courts shall be holden of every petition which shall be filed in any of the said Courts by any insolvent for relief under this Act, and of every adjudication of an act of insolvency, and of every confirmation or revocation thereof, together with the dates of the same respectively, and, in the case of an adjudication, the date of the petition on which the same is grounded, forthwith after the filing of such petition or pronouncing such adjudication or such confirmation or revocation respectively; and that the chief secretary of the Government of the said presidencies respectively shall, without delay, transmit to the Court of Directors of the said East-India Company two or more copies at least of every such Gazette which shall contain any such notice as aforesaid, who shall, without delay after the receipt thereof, cause such notice to be inserted in the *London Gazette*; and the production of the *London Gazette* containing any such notice as aforesaid shall be deemed and taken by all Commissioners of bankruptcy and all Courts whatsoever to be sufficient evidence of the filing of the petition of such insolvent in such Court as aforesaid, and of such adjudication of insolvency, and of such confirmation or revocation thereof, and of the dates of the same proceedings respectively, and, in the case of any adjudication, of the date of the petition on which the same is grounded.

Order for discharge of insolvent debtor not to operate as a discharge to the debts, &c., of any creditor not resident within the limits of the Charter.

LXXXIII. Provided always, and be it enacted, that in case any fiat in bankruptcy, whether under the provisions of this Act or otherwise, shall be issued against such insolvent trader as aforesaid, upon which such insolvent shall be declared a bankrupt before such order for discharge in the nature of a certificate as hereinbefore mentioned, then and in such case

such order shall not operate as a discharge from the debt, claim, and demand of any creditor who shall not have been resident within the limits aforesaid at any time between the filing of the insolvent's petition or the adjudication, as the case may be, and the making of such order: provided always, that when such insolvent shall be indebted or liable to two or more persons jointly, if any one of such joint creditors shall have been resident within the limits aforesaid within the time aforesaid, such certificate shall operate against all such joint creditors as aforesaid, notwithstanding the non-residency within the limits aforesaid of some of the said joint creditors.

Proviso as to joint creditors.

Power of Court of Bankruptcy in certain cases to grant certificates to insolvents.

LXXXIV. Provided always, and be it enacted, that in case any fiat in bankruptcy shall be issued against such insolvent trader as aforesaid, upon which he shall be declared a bankrupt before such order for discharge in the nature of a certificate as hereinbefore mentioned, if it shall afterwards be made to appear to any commissioner, judge, or Court in Bankruptcy, having authority to grant a bankrupt's certificate, that such order has been made by the Court in the East-Indies as aforesaid, such commissioner, judge, or Court as aforesaid may, if he think fit, thereupon grant the certificate of such bankrupt, which shall have the same force and effect, both without and within the limits aforesaid, as any certificate duly granted under any statute or statutes now in force or hereafter to be in force respecting bankrupts.

Creditors residing out of the limits may inspect proceedings transmitted from India to the Court of Directors.

LXXXV. And be it enacted, that whenever it shall appear by the schedule of any such insolvent as aforesaid that any of the creditors are resident out of the limits aforesaid, the principal officer of the said Court for the Relief of Insolvent Debtors shall, as soon as conveniently may be after the filing of such schedule, transmit two or more copies thereof to the chief secretary of the Government of the presidency within which such Court is situate, who shall transmit the same to the Court of Directors as soon as conveniently may be after the receipt thereof; and the said Court of Directors shall retain the same, and permit any person or persons, being a creditor or creditors of any such insolvent debtor, at all reasonable times to inspect and examine such schedule, and shall, upon the request and at the reasonable costs and charges of any such creditor or creditors, such costs or charges to be regulated by the said Court of Directors, provide for him or them a copy or copies of any such schedule.

Courts may order judgment to be entered up for the amount of the debts stated in insolvent's schedule.

LXXXVI. Provided always, and be it enacted, that in all cases where any insolvent shall not have obtained his discharge in the nature of a certificate as aforesaid under this Act, the said Court for the Relief of Insolvent Debtors may, if in the circumstances of the case it shall think fit, before making such order for such discharge, direct a judgment to be entered up against such insolvent in the Supreme Court of the presidency within which such Court for the Relief of Insolvent Debtors shall be situate in the name of the assignee or assignees, or of such official assignee as the Court shall think fit, for the amount of the debts or demands stated in the schedule of such insolvent as due or claimed, and of such as shall be established in the said Court against the said insolvent's estate, or so much thereof as shall appear at the time of such order to be due, which said order shall be filed in the said Court for the Relief of Insolvent Debtors in India; and the production of such order, or of a copy of such order, under the seal of the said Court, of which order, copy, and seal, no proof shall be requisite, other than the production of such order or copy, shall be sufficient authority to the proper officer for entering up the said judgment; and then and in every such case, and notwithstanding the provisions hereinbefore contained, if at any time it shall appear to the satisfaction of the said Court that such insolvent is of ability to pay such debts or demands, or any part thereof, or that he is dead, leaving assets for such purpose, and that under the circumstances the same is reasonable and proper, the said Court may, if it shall think fit, order execution

Execution on the same may be issued against future assets of insolvent.

to be taken out upon such judgment against the property of such insolvent, whether the same may or may not be by law vested in his assignee or assignees, for such sum of money as under all the circumstances of the case the said Court shall order, such sum to be distributed rateably amongst the creditors of such insolvent according to the mode hereinbefore directed in the case of a dividend, and such further proceedings may be had upon such judgment as the Court may from time to time order, until the said debts or demands shall be fully paid and satisfied, and no *scire facias* shall be necessary to revive or to execute such judgment on account of any lapse of time or change of parties, or otherwise, but execution shall at all times issue thereon by virtue of the order of the said Court for the Relief of Insolvent Debtors from time to time: provided always, that in case any application against any such insolvent, for the purpose aforesaid, shall appear to the Court to be vexatious or oppressive, it shall be lawful for the said Court, not only to refuse to make any order on such application, but also to dismiss the same, with such costs against the party making the same as to the said Court shall appear reasonable.

And when the said judgment is discharged and satisfied, Court may order satisfaction to be entered up on such judgment.

LXXXVII. And be it enacted, that when the debts or demands in respect of which such judgment shall have been entered up as aforesaid shall have been discharged and satisfied, it shall be lawful for such Court, upon application of the insolvent, his heirs, executors, or administrators, to direct satisfaction to be entered on such judgment, and the production of the order of the said Court for entering up such satisfaction, or of a copy thereof, under seal of the said Court, of which said order or copy or seal no proof shall be requisite, other than the production of such order or copy as aforesaid, shall be a sufficient authority to the proper officer for entering up the same; and that if in any case it shall appear to the satisfaction of the said Court that after the said debts and demands shall have been so discharged and satisfied as aforesaid, there shall remain in the possession or subject to the control of his assignee or assignees any property of any kind or description whatsoever which has come to such assignee or assignees, or to which he or they may claim title by virtue of the order made in that behalf, or otherwise by virtue of his or their office of assignee or assignees, it shall be lawful for the said Court, on such application as aforesaid, to order that all such property so remaining as aforesaid shall be vested in the party so applying, and be forthwith delivered up to the said party, and such order shall have the effect of vesting the same accordingly, and the same shall be forthwith delivered up to the said party.

After 31st Oct. 1848, this Act extended to the settlement of Prince of Wales Island, Singapore, and Malacca.

LXXXVIII. And whereas it is desirable to extend the benefit of this Act to insolvent debtors at the settlement of Prince of Wales Island, Singapore, and Malacca; be it therefore enacted, that from and after the thirty-first day of October, one thousand eight hundred and forty-eight, there shall be holden within the said settlement of Prince of Wales Island, Singapore, and Malacca, a Court for the Relief of Insolvent Debtors, which shall be a Court of Record, and shall be styled "The Court for Relief of Insolvent Debtors," and that the Court of Judicature of Prince of Wales Island, Singapore, and Malacca, shall from time to time appoint such of their officers, or, if the officers of such Court shall be found insufficient, such additional officers as may be necessary to transact the business of such Court for the Relief of Insolvent Debtors, and to act as official assignees, examiners, and ministerial officers of such Court.

A Court to be established in such settlement, and held four times a year by the Recorder.

LXXXIX. And be it enacted, that a Court of Relief of Insolvent Debtors shall be holden within the said settlement at such place or places as may be found most convenient, and as often as may be found necessary, and at least four times a year, by the Recorder of Prince of Wales Island, Singapore, and Malacca, and it shall be lawful for such Court to

adjourn from time to time; and the said Court of Judicature shall have power and is hereby directed from time to time to establish rules as to the advocates and attornies or agents who may practise in the said Court for the Relief of Insolvent Debtors, and from time to time to establish rules to regulate the proceedings of such Court, and especially to prescribe in what manner notice shall be given to the creditors of parties applying for relief under this Act, and in what cases besides those mentioned in this Act costs may be awarded, and shall prepare and cause to be sealed with its seal a sufficient and proper list of fees to be charged and received by the officers of the said Court for the Relief of Insolvent Debtors, and shall and may from time to time alter and vary such list as may appear fit and proper, and shall certify under its seal and transmit copies of such rules and lists of fees to the Court of Directors of the East-India Company, to be by them or their order delivered with their observations thereon to the President of the Board of Commissioners for the Affairs of India, in order for the same to be laid before her Majesty for her royal approbation, correction, or revision; and other copies of the same shall at all times be fixed in some conspicuous place in the Court for the Relief of Insolvent Debtors; and no other fee or gratuity shall be received or taken by any officer, attorney, or agent practising in such last-mentioned Court, except such as shall be specified in such lists.

The several powers of this Act extended, with certain exceptions, to the settlement of Prince of Wales Island, Singapore, and Malacca.

XC. And be it enacted, that the several powers, provisions, and clauses hereinbefore contained, subsequent to the clause or provision for regulating the fees to be taken in the Courts for the Relief of Insolvent Debtors in India, shall apply and take effect in and with reference to the said settlement of Prince of Wales Island, Singapore, and Malacca, in the same manner in all respects as if the said powers, provisions, and clauses respectively were here repeated and re-enacted with reference thereto; and that in applying this last-mentioned provision the said Court of Judicature at the said settlement shall stand and be read in the place of and for the Supreme Court of Judicature at Calcutta, and the Court for the Relief of Insolvent Debtors at the said settlement in the place of and for the said Court for the Relief of Insolvent Debtors at Calcutta, and the said settlement in the place of and for the presidency of Fort William and town of Calcutta respectively; and where in any provision hereinbefore contained any sum in rupees is mentioned, such provision shall apply in the said settlement as if a corresponding sum in dollars, at the rate of two and a half rupees to the dollar, had been mentioned in such provision; and where in any provision hereinbefore contained any period of time is mentioned having reference to any act to be done out of the United Kingdom, after notice to be published in the *London Gazette*, such provision shall apply in the said settlement as if an additional period of four calendar months had been mentioned therein; and the several schedules to this Act shall be applicable in the same manner as if the same formed part of the clauses or provisions referring to the same respectively.

Rules, &c., directed to be transmitted for her Majesty's approbation, shall be in force till the return of the same.

XCI. And be it enacted, that where any rules or other matters are hereinbefore directed to be transmitted for her Majesty's approbation, correction, or revision, the same respectively shall in the meantime be of full force and shall so continue until the expiration of fourteen days after the Court by whose authority such rules or other matters shall have been made shall have received from the President of the Board of Commissioners for the Affairs of India a communication of her Majesty's disallowance thereof, or of any alterations directed by her Majesty to be made therein.

Interpretation of Act.

XCII. And be it enacted, that whenever this statute hath used the words "Court for "Relief of Insolvent Debtors," or any words of reference to the same, they shall include each

Court for the Relief of Insolvent Debtors at Calcutta, Madras, and Bombay respectively; and words describing the petition of any insolvent shall include the joint petition of two or more insolvents, and all provisions as to the one shall apply to the other; and words importing the singular number or masculine gender only shall be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless it be otherwise provided, or there be something in the subject or context repugnant to such construction.

XCIII. And be it enacted, that this Act shall, as to all matters not otherwise provided for, commence and come into operation on the first day of August, one thousand eight hundred and forty-eight. Commencement of Act.

XCIV. Provided always, and be it enacted, that nothing in this Act contained shall affect an Act passed by the Right Honourable the Governor-General of India in Council, in one thousand eight hundred and forty-one, for appropriating the unclaimed dividends of insolvent estates. This Act not to affect a certain Act of the Governor-General in Council of 1841.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Petition by Insolvent in Custody.

In the Court for Relief of Insolvent Debtors.

In the Matter of an Insolvent.

To the Honourable the Commissioners of the said Court, the humble Petition of late of

Showeth,

That on the day of your petitioner was committed to the custody of the Sheriff [by virtue of a writ of issued against your petitioner at the suit of the for the sum of], [and that detainers have since been lodged against him at the suit of and for sums of and respectively], and that he is now a prisoner in the common gaol under the process aforesaid.

That he is desirous of obtaining the benefit of the Act for the Relief of Insolvent Debtors in India.

Your petitioner therefore humbly prays, that upon compliance with the provisions of the said Act he may have the benefit of the same, and that all necessary directions may be given for that purpose.

And your petitioner, &c.

NOTE.

The blanks are to be filled up, and the parts between brackets omitted or varied according to the facts.

The petition is to be signed by the insolvent, and witnessed by the gaoler.

A similar form is to be adopted in the case of a joint petition.

SCHEDULE (B.)

Form of Petition of Insolvent not in Custody.

In the Court for the Relief of Insolvent Debtors.

In the Matter of an Insolvent.

To the Honourable the Commissioners of the said Court, the humble Petition of of

Showeth,

That your petitioner is in insolvent circumstances.

That he is now residing at within the jurisdiction of the Supreme Court of

That he is desirous of obtaining the benefit of the Act for the Relief of Insolvent Debtors in India.

Your petitioner therefore humbly prays, that upon compliance with the provisions of the said Act he may have the benefit of the same, and that all necessary directions may be given for that purpose.

And your petitioner, &c.

NOTE.

The petition to be signed by the petitioner, and witnessed by his attorney.

SCHEDULE (C.)

In the Court for the Relief of Insolvent Debtors.

The Schedule of

In the Matter of , an Insolvent.

I, the said do declare, that this my schedule doth contain a full and fair description of me, as to name, trade, profession, and abode, and of the debts due or growing due from me, and of all and every person to whom I am indebted, or who to my knowledge and belief claim to be my creditors, together with the nature and amount of such debts and claims respectively, distinguishing such as are admitted from such as are disputed by me; and also a full, true, and perfect account of all my estate and effects, real and personal, in possession, reversion, remainder, or expectancy, and also of all places and employments of benefit to me, held by me, and also of all pensions and allowances which I have in possession or reversion, or which are held by any other person for me or on my behalf, or of or from which I derive or may derive any manner of benefit, and also of all rights and powers which I am, or any other person in trust for me or for my use or benefit are, in any manner whatever possessed of or interested in or entitled unto, or which I or any other person in trust for me or for my benefit have any power to dispose of, charge, or exercise for my benefit or advantage, together with a full, true, and perfect account of all the debts due or growing due to me or any person in trust for me or for my benefit or advantage, either solely or jointly with any other person, and the names and places of abode of the several persons from

whom such debts are due and growing due, and of the witnesses who can prove or other evidence to prove such debts, so far as I can set forth the same; and that this my schedule doth fully and truly describe the wearing apparel, bedding, and other such necessaries and working tools and implements of myself and my family which are excepted by me from the operation of the Act relating to insolvents in India, together with the value of such excepted articles respectively.

CREDITORS.

No.	Names and description of creditors of claimants, and their present or last residence.	Amount.	When contracted.	Admitted or disputed.	Nature and consideration of the debt and securities, if any; also why disputed, if disputed.
1, &c.					

Where there are cross demands, the party must be entered both as creditor and debtor, and "set off" must be written under the amount.

DEBTORS.

No.	Names and descriptions and places of abode of debtors.	Amount.	When contracted.	Good, bad, or doubtful.	Nature and consideration of the debt; also securities (if any) for the same.	Witnesses, with their residences, and other evidence by which the debt may be proved.

N.B.—If property has been taken possession of by the common assignee, it must nevertheless be fully entered in the Schedule.

PROPERTY IN POSSESSION.

		Supposed value.	
1. Interest in land, houses, rents, or other real estate.	Describe the quantity of estate, if less than the absolute proprietary right, as lease for years, lease for lives, &c.; local description, names of tenants, annual rent or value; statement of incumbrances (if any) thereupon, with description of them, and dates.		
2. Goods, choses in action	Household furniture		
	Wearing apparel (not excepted) ...		
	Jewels, trinkets, and ornaments ...		
	Plate, linen, china, glass		
	Wines and other liquors		
	Books, prints, and pictures		
	Horses and other animals		
	Carriages		
	Farming stock, crops, and implements of husbandry		
	Other crops on cultivation		
	Stock in trade, machinery, and utensils in my business of		
	Ships and shares of ships, describing the ships by name, and master, or other sufficient description ...		
	Cash, bills, notes, bonds, &c.; any other property not particularly specified		
3. Property in public securities, Indian or otherwise, shares in companies, annuities, &c.	Describe the fund, stock, company, security, &c.; and state in whose name, and also when and by whom, the last dividend or other payment in respect of the same was received, and shares of estate.		
4. Unpaid legacies	Legacies, shares of intestates' estates, with all particulars concerning the same		

Property in Reversion, Places, Pensions, Allowances, Rights, and Powers.

Contingent as well as vested interests must be entered.

Real and personal estate and effects in which I have any interest in reversion, remainder, or expectancy.

		Supposed value of my interest if now to be sold.		
1. Interests in land, houses, rents, and other real estate. 2. Personal property, as goods and certain choses in action. 3. Other personal property, as public securities, Indian or otherwise, shares in companies, annuities.	Describe the property as in the division relating to property in possession; add a description of the nature of the interest, and from whom and in what manner it is derived, with names and descriptions of persons now enjoying the same, the value or annual value, according to the nature of the property, and in whose name or names the property now stands, or who has the legal interest therein, according to the nature of the property.			
Places, pensions, and allowances, in possession or reversion.	Places or employments held by me, with the salaries, fees, and emoluments thereof; also all pensions and allowances in possession or reversion held by me, or by any other person or persons for me or on my behalf, or of or from which I derive or may derive any benefit.			
Rights and powers	Rights and powers which I or any other person or persons in trust for me, or for my use, benefit, or advantage, am or are in any manner seised or possessed of or interested in or entitled unto, or which I or any other person or persons in trust for me or for my benefit have any power to dispose of, charge, or exercise for my benefit or advantage			
Excepted articles	Excepted articles, and the value thereof ... ... Give a full description of the excepted articles and their value			

The schedule to be signed by the insolvent, and witnessed by his attorney.

A similar form must be adopted in the case of a joint schedule.

SCHEDULE (D.)

Form of Petition for Adjudication of Insolvency.

Form No. 1.

In the Court for the Relief of Insolvent Debtors.

In the matter of an insolvent.

To the Honourable the Commissioners of the said Court.

The humble petition of of

Showeth,

That on or about the day of the said [*here state the time and place of the charge in execution or commitment of the prisoner, and the amount of the debt or sum of money for which the prisoner shall have been so charged in execution or committed.*]

That your petitioner is desirous that the said prisoner should be dealt with according to the provisions of the Act for the Relief of Insolvent Debtors in India.

Your petitioner therefore humbly prays that the said may be adjudged to have committed an act of insolvency, pursuant to the provisions of the Act for the Relief of Insolvent Debtors in India, and that the proper order may thereupon be made.

And your petitioner, &c.

Form No. 2.

In the Court for the Relief of Insolvent Debtors.

In the matter of an insolvent.

To the Honourable the Commissioners of the said Court.

The humble petition of of

Showeth,

That late of (heretofore and up to carried on the trade or business of at), and thereby, as your petitioner is advised, became a trader within the meaning of the Bankrupt Laws.

That on or about the day of the said [*here state shortly the act or acts of insolvency relied on*], whereby, as your petitioner is advised and believes, the said is liable to be adjudged to have committed an act of insolvency.

That at the time aforesaid the said was and now is indebted to your petitioner in the sum of [*state for what the party is indebted, as* for goods sold and delivered, &c.].

Your petitioner therefore humbly prays that the said may be adjudged to have committed an act of insolvency, pursuant to the provisions of the Act for the Relief of Insolvent Debtors in India, and that the proper order may thereupon be made.

And your petitioner, &c.

NOTE.

The blanks must be filled up, and the parts within brackets varied or supplied, as the case may require.

A similar form must be used in the case of a joint petition.

SCHEDULE (E.)

Form of Petition for Discharge in the nature of a Certificate of an Insolvent not a Trader.

In the Court for the Relief of Insolvent Debtors.

In the matter of an Insolvent.

To the Honourable the Commissioners of the said Court.

The humble Petition of the said Insolvent

Showeth,

That on or about the day of [*the circumstances to be stated shortly*].

That the estate of your petitioner has realized one third of the amount of the debts established in this Court in the matter of the said insolvency [*or*, that the major part in number and value of the creditors of your petitioner contained in the said schedule, or who have since established their debts in this Court, have consented to the discharge of your petitioner from all further liability in respect of his aforesaid debts, provided that this Court shall so order], as appears by the schedule annexed to this petition, to which your petitioner craves leave to refer.

That your petitioner is desirous of obtaining a discharge in the nature of a certificate under the provisions of the said Act.

Your petitioner therefore humbly prays, that he may be discharged from all liability in respect of such debts, and that all necessary directions may be given for that purpose.

And your petitioner, &c.

NOTE.

The blanks must be filled up, and the parts between brackets varied, as the case may require.

The schedule to contain a copy of the original schedule, and of the debts proved since, if any, and the consents of the creditors must be signed by them, or their attornies specially authorized.

SCHEDULE (F.)

Form of Petition for Discharge in the nature of a Certificate of an Insolvent Trader.

In the Court for the Relief of Insolvent Debtors.

In the matter of an Insolvent Trader.

To the Honourable the Commissioners of the said Court.

The humble Petition of the said Insolvent

Showeth,

That your petitioner, prior to his insolvency, hereinafter mentioned, carried on the trade or business of and thereby became a trader within the meaning of the Bankrupt Laws.

That on or about the day of your petitioner petitioned for his discharge, under the Act for the Relief of Insolvent Debtors in India (*or*, was adjudged by this Court to have committed an act of insolvency).

That on or about the day of your petitioner duly filed his schedule in this Court, and that your petitioner is desirous of obtaining a discharge in the nature of a certificate under the provisions of the Act relating to insolvent debtors in India; and he therefore humbly pr ys that all necessary directions may be given for that purpose, and that your petitioner may, by the order of this Court for his discharge in the nature of a certificate be discharged from all liability in respect of the debts or claims established, or which might by law be proved in this Court, in the matter of his insolvency.

And your petitioner, &c.

NOTE.

The petitioner must annex to this petition a copy of his schedule, and include all debts established, though not included in the schedule as originally filed.

The blanks must be filled up, and the parts between brackets varied, as the case may require.

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11 & 12 VICTORIÆ. Cap. LXXXIV.

An Act *to amend the Acts for rendering effective the Service of the Chelsea and Greenwich Out-Pensioners, and to extend them to the Pensioners of the East-India Company.* [31*st August*, 1848.]

Whereas under an Act passed in the session held in the sixth and seventh years of the reign of her present Majesty, intituled, "An Act for rendering more effective the Services "of such Out-Pensioners of Chelsea Hospital as shall be called out to assist in preserving "the public peace," and an Act passed in the session held in the ninth and tenth years of the same reign, for amending the said first-mentioned Act, her Majesty was empowered, by her warrant under the royal sign manual, to order that such and so many of the out-pensioners of Chelsea and such of the out-pensioners of Greenwich Hospitals as might have served in the Royal Marines as her Majesty might think fit should be enrolled as a local force for the preservation of the peace, under the conditions specified in the said Acts, but that the whole number so to be enrolled should not at any one time exceed twenty thousand men: and whereas it is expedient that the provisions of the said Acts should be extended to such pensioners from the land forces of the East-India Company as now are or may hereafter become resident in the United Kingdom, and who may volunteer to serve her Majesty as enrolled pensioners, upon the terms and subject to the provisions of the said Acts, and that her Majesty should for that purpose be empowered to increase the number of pensioners so to be enrolled: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said Acts shall apply to such of the said pensioners from the land forces of the East-India Company as may volunteer as aforesaid, in the like manner as if they were out-pensioners of Chelsea or Greenwich Hospitals; and that the whole number of pensioners of these hospitals, and from the land forces of the said Company, so to be enrolled in the United Kingdom at any one time, may be any number not exceeding thirty thousand men.

6 & 7 Vict. c. 95.

9 & 10 Vict. c. 9.

Recited Acts to apply to pensioners from such forces of East-India Company as may volunteer.

11 & 12 VICTORIÆ. Cap. CXXVIII.

AN ACT *for carrying into effect the Agreement between her Majesty and the Imaum of Muscat for the more effectual Suppression of the Slave Trade.* [*5th September*, 1848.]

Whereas on the second day of October, in the year of our Lord one thousand eight hundred and forty-five, an agreement was concluded and signed at Zanzibar between Captain Atkins Hamerton of her Majesty's Royal Navy, on behalf of her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Highness Seid Saeed Bin Sultan, the Imaum of Muscat, whereby it was agreed as follows:

ARTICLE I.—His Highness the Sultan of Muscat hereby engages to prohibit, under the severest penalties, the export of slaves from his African dominions, and to issue orders to his officers to prevent and suppress such trade.

ARTICLE II.—His Highness the Sultan of Muscat further engages to prohibit, under the severest penalties, the importation of slaves from any part of Africa into his possessions in Asia, and to use his utmost influence with all the chiefs of Arabia, the Red Sea, and the Persian Gulf, in like manner to prevent the introduction of slaves from Africa into their respective territories.

ARTICLE III.—His Highness the Sultan of Muscat grants to the ships of her Majesty's navy, as well as those of the East-India Company, permission to seize and confiscate any vessels the property of his Highness or of his subjects carrying on slave trade, excepting such only as are engaged in the transport of slaves from one port to another of his own dominions in Africa, between the port of Lamoo to the north, and its dependencies, the northern limit of which is the north point of Kuyhoo Island in 1° 57′ south latitude, and the port of Keelwa to the south, and its dependencies, the southern limit of which is the Songa Manara or Pagoda Point, in 9° 2′ south latitude, including the islands of Zanzibar, Pemba, and Monfea.

ARTICLE IV.—This agreement to commence and have effect from the first day of January, one thousand eight hundred and forty-seven of the year of Christ, and the fifteenth day of the month of Mohunum, one thousand two hundred and sixty-three of the Hejira.

Done at Zanzibar, this second day of October, one thousand eight hundred and forty-five of the year of Christ, and twenty-ninth day of Ramzan, one thousand two hundred and sixty-one of the Hejira.

(Signed) SEID SAEED BIN SULTAN, Imaum of Muscat.
(Signed) ATKINS HAMERTON, Captain.
On behalf of her Majesty the Queen of Great Britain and Ireland, her heirs and successors.

And whereas it is expedient and necessary that effectual provision should be made for carrying into execution the provisions of the said agreement: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for the commander and other officers of her Majesty's ships of war or of the East-India Company to visit and detain in any seas, except within the limits

Power to commanders of ships of war and of the East-India

Company to visit vessels belonging to subjects of the Imaum of Muscat, within certain limits, suspected of being engaged in the slave trade.

exempted by the terms of the third article of the said agreement, any merchant vessel belonging to the subjects of the Imaum of Muscat which shall upon reasonable grounds be suspected of being engaged in the export of slaves from the African dominions of the Imaum of Muscat, or the importation of slaves from any part of Africa into his possessions in Asia, excepting such only as are engaged in the transport of slaves from one port to another of his own dominions in Africa, between the port of Lamoo to the north, and its dependencies, the northern limit of which is the north point of Kuyhoo Island, in 1° 57′ south latitude, and the port of Keelwa to the south, and its dependencies, the southern limit of which is the Songa Manara or Pagoda Point, in 9° 2′ south latitude, including the islands of Zanzibar, Pemba, and Monfea, or any vessel fitted out for that purpose, and to send or carry away such vessel, together with its masters, sailors, passengers, slaves, and cargo, for the purpose of such vessel being brought to adjudication as hereinafter mentioned.

As to the trial of vessels engaged in the slave trade.

II. And be it enacted, that it shall be lawful for the High Court of Admiralty of England, and for all Courts of Vice-Admiralty in any dominions of her Majesty beyond the seas, including those Courts of Vice-Admiralty within the territories under the Government of the East-India Company, to take cognizance of and try any such vessel which shall be detained or captured for the violation of the said agreement, and to condemn any such vessel to her Majesty, and adjudge as to the slaves found therein, in like manner and under such and the like rules and regulations as are contained in any Act or Acts of Parliament in force in relation to the suppression of the slave trade by British-owned ships, as fully as if all the powers and provisions contained in such Acts were re-enacted in this Act as to such High Court of Admiralty or Courts of Vice-Admiralty.

Persons giving false evidence deemed guilty of perjury.

III. And be it enacted, that every person who shall wilfully and corruptly give false evidence in any examination or deposition had or affidavit taken in any proceeding under the said agreement or under this Act, shall be deemed guilty of perjury, and being thereof convicted shall be subject and liable to all the punishments, pains, and penalties to which persons convicted of wilful and corrupt perjury are liable; and every such person may be tried for any such perjury either in the place where the offence was committed or in any colony or settlement of her Majesty near thereto in which there is a Court of competent jurisdiction to try any such offence, or in her Majesty's Court of Queen's Bench in England; and that in case of any prosecution for such offence in her Majesty's said Court of Queen's Bench the venue may be laid in the county of Middlesex.

Pendency of suits to be a bar to any proceedings instituted for the recovery of the vessels detained.

IV. And be it enacted, that the pendency of any suit or proceeding instituted for the condemnation or restitution of any ship or cargo, or slaves, taken, seized, or detained by virtue of the said agreement, or the final adjudication, condemnation, or judgment or determination thereupon, may be pleaded in bar, or given in evidence under the general issue, and shall be deemed in any Court whatever to be a complete bar in any action, suit, or proceeding, whether instituted by any person or persons for the recovery of any such ship, vessel, or cargo, or of any damage or for any injury sustained thereby or by the persons on board the same, in consequence of any capture, seizure, or detention, or anything done under or in pursuance of the provisions of the said agreement.

Vessels condemned to be sold for her Majesty's service, or broken up.

V. And be it enacted, that any ship or vessel which shall be condemned as aforesaid may be taken into her Majesty's service, upon payment of such sum as the Lord High Admiral or the Lords Commissioners of the Admiralty shall deem a proper price for the same, or if not so taken, shall be broken up and demolished, and the materials thereof shall be publicly sold

in separate parts, and the proceeds thereof shall be paid to such person or persons as the Commissioners of her Majesty's Treasury may appoint to receive the same.

VI. And be it enacted, that where any ship or vessel employed or engaged in such illicit traffic in slaves, in violation of the said agreement, shall be seized by any ship or vessel belonging to her Majesty or the East-India Company, and afterwards condemned, there shall be paid to the captors the net proceeds to which her Majesty is entitled, the same to be distributed in the manner hereinafter directed for the distribution of bounties on slaves taken on board the said vessels.

Captors of vessels shall, after the same are condemned, be entitled to the proceeds belonging to her Majesty.

VII. And be it enacted, that there shall be paid to the commander, officers, and crews of her Majesty's ships, or the commander, officers, and crews of the ships of the East-India Company, a bounty of five pounds for every man, woman, and child slave seized and found on board any ship or vessel taken and condemned in pursuance of the provisions of the said agreement and of this Act; such bounty to be issued and paid by order from the Commissioners of her Majesty's Treasury, and to be distributed to and amongst the captors aforesaid in such manner and proportions as her Majesty shall think fit to order by any order in Council, made or to be made, or by any proclamation for that purpose.

A bounty of 5*l.* for every slave found on board of vessels seized and condemned.

VIII. And be it enacted, that where any ship or vessel which shall have been seized and condemned under the provisions of the said agreement shall have been or shall be demolished, and the materials thereof publicly sold in separate parts, as well as her cargo, there shall be paid to the commanders, officers, and crews of her Majesty's ships or of those of the East-India Company, in addition to the amount of the proceeds of such sale, as hereinbefore mentioned, a further bounty on the tonnage of such ship or vessel at the rate of thirty shillings for every ton of such tonnage.

A bounty to be paid on tonnage of slave ships captured and demolished.

IX. And be it enacted, that where any ship or vessel having no slaves on board shall have been seized and condemned under the provisions of the said agreement, there shall be paid to the commanders, officers, and crews of her Majesty's ships, or those of the East-India Company, an additional bounty upon the tonnage of such ship or vessel at the rate of four pounds for every ton; and the tonnage of all such vessels shall be ascertained according to the mode of ascertaining the admeasurement of British vessels, either by the principal officer of the customs at the port where the vessel may be at the time of condemnation, or in default thereof by the best evidence which can be obtained: provided always, that in every case in which any ship or vessel shall be seized with slaves on board, in which the bounty calculated upon the number of slaves shall be less than the bounty calculated upon the tonnage, the commanders of her Majesty's ships, or of those of the East-India Company, making the seizure, may elect to take the bounty calculated according to tonnage, instead of the bounty which would be payable upon the number of slaves on board.

Where no slaves are on board a ship seized and condemned, an additional bounty to be paid on tonnage.

X. And be it enacted, that all bounties payable under this Act shall be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland to the commanders, officers, and crews of her Majesty's ships, and of the ships of the East-India Company, and such bounties shall be issued and paid by order from the Commissioners of her Majesty's Treasury.

Bounties to be paid out of the Consolidated Fund.

XI. And be it enacted, that the said bounty, as also all bounties payable under any of the Acts for the abolition or suppression of the slave trade, shall not hereafter be charged with treasury fees or exchequer fees of any description.

Bounties not liable to payment of fees.

Captors entitled to bounty to give proof of tonnage.

XII. Provided always, and be it enacted, that in order to entitle the captors to receive the said bounty money, the tonnage of the ship or vessel so seized and condemned shall be proved to the Commissioners of her Majesty's Treasury, by producing a copy, duly certified, of the sentence or decree of condemnation, or by such documentary or other evidence as they may deem satisfactory.

Copy of sentence of condemnation to be produced to the Treasury.

XIII. Provided always, and be it enacted, that in order to entitle the captors to receive the said bounty money on slaves, the number of men, women, and children so taken, delivered over, and condemned shall be proved to the Commissioners of her Majesty's Treasury, by producing a copy, duly certified, of the sentence or decree of condemnation, and also a certificate under the hand of the proper officer or officers, military or civil, who may be appointed to receive such slaves.

In certain cases Treasury may order one moiety of the bounty to be paid.

XIV. And be it enacted, that where any slaves, or persons treated as slaves, shall be seized on board any ship or vessel taken and condemned in pursuance of the said agreement and of this Act, but who shall not have been delivered over in consequence of death, sickness, or other inevitable circumstance, it shall be lawful for the said Commissioners of her Majesty's Treasury, if to their discretion it shall seem meet, to direct payment of one moiety of the bounty which would have been due in each case respectively if the said slaves had been delivered over.

Parties claiming benefit under this Act may resort to the Court of Admiralty.

XV. Provided also, and be it enacted, that any party or parties claiming any benefit by way of bounty under the provisions of this Act, or of any share of the proceeds of any vessel confiscated in pursuance of the provisions of the aforesaid agreement, may resort to the High Court of Admiralty for the purpose of obtaining the judgment of the said Court in that behalf; and that it shall be lawful for the judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any question of joint capture which may arise upon any seizure made in pursuance of this Act, and also to enforce any decrees or sentences of the said Vice-Admiralty Courts relating to any such seizure.

Regulations and penalties to which prize agents are liable extended to bounties, &c., under this Act.

XVI. And be it enacted, that all the provisions, rules, regulations, forfeitures, and penalties respecting the delivery by prize agents of accounts for examination, and the distribution of prize money, and the accounting for and paying over the proceeds of prize, and the per-centage due thereon to Greenwich Hospital, shall be extended to all bounties and proceeds to be distributed under the provisions of this Act to the officers and crews of any of her Majesty's ships and vessels of war.

Treasury may order payment of costs awarded for vessels detained, but not condemned.

XVII. And be it enacted, that where any ship or vessel belonging in whole or in part to subjects of the Imaum of Muscat, shall have been detained and brought to adjudication by any officers of her Majesty the Queen of Great Britain and Ireland, or of those of the East-India Company, and the said ship shall be restored by sentence of the Court, it shall be lawful for the Commissioners of her Majesty's Treasury, by warrant signed by any three or more of them, to direct payment to be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, of any costs or damages which may be duly awarded: provided always, that nothing herein contained shall exempt such officer from his liability to make good the payments so made, when lawfully called upon either by the parties interested therein, or by order of the said Commissioners of her Majesty's Treasury.

Treasury may repay to the seizor of any vessel not condemned the expenses incurred by him.

XVIII. And be it enacted, that when any seizure shall be made by any of the commanders, officers, and crews of her Majesty's ships or of those of the East-India Company, and judgment shall be given against the seizor, or when such seizure shall be relinquished by

him, it shall be lawful for the said Commissioners of her Majesty's Treasury, if to their discretion it shall seem meet, by warrant, signed by any three or more of them, to direct payment to be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland of such costs and expenses as the seizor may have incurred in respect of such seizure, or any proportional part thereof.

With reference to the purpose of this Act, see 12 & 13 Vict. cap. 84.

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12 & 13 VICTORIÆ. Cap. XXV.

AN ACT *for giving effect to the Stipulations of a Treaty between her Majesty and the Queen of Portugal for the Apprehension of certain Deserters.* [26*th June*, 1849.]

The insertion of a portion only of the first section of this Act will be sufficient.

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that in case any apprentice or sailor shall desert from any vessel belonging to any Portuguese subject or subjects while such vessel shall be within any port in any of her Majesty's dominions, or the territories under the government of the East-India Company, all justices of the peace and other magistrates and officers of justice within their several jurisdictions shall, on application being made by a Portuguese Consul, or his deputy or representative, according to the provisions of the said treaty, aid in apprehending such apprentice or sailor; and upon any such application it shall be lawful for any justice of the peace, or other magistrate or person having power to commit for trial persons accused of crimes against the laws of that part of her Majesty's dominions or territories in which such apprentice or sailor shall be found, to issue his warrant for the apprehension of such apprentice or sailor, and, upon due proof of such desertion as aforesaid, to order such apprentice or sailor to be conveyed on board the said vessel, or to be delivered to the master, mate, or owner of such vessel, or his agent, for the purpose of being so conveyed; and it shall be lawful for such master, mate, owner, or agent, or any other person, in pursuance of the order in that behalf, to convey such apprentice or sailor accordingly.

Deserters from Portuguese vessels to be apprehended on application of consul.

12 & 13 VICTORIÆ. Cap. XXIX.

An Act *to amend the Laws in force for the Encouragement of British Shipping and Navigation.* [26*th June*, 1849.]

This Act was repealed by 17 & 18 Vict. cap. 120, and would not be noticed here but on account of section 8, which defined who were to be deemed British seamen. Among the persons therein enumerated as such were " Asiatic sailors or Lascars being natives of the terri-" tories, countries, islands, or places within the limits of the Charter " of the East-India Company, and under the Government of her " Majesty or of the said Company." So much, however, of the Act as required every British ship to be navigated by a master who should be a British subject, and by a crew of whom the whole or a certain proportion should be British subjects, was repealed by 16 & 17 Vict. cap. 131; and the entire Act was repealed by 17 & 18 Vict. cap. 120. The privileges of British seamen have therefore ceased.

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12 & 13 VICTORIÆ. Cap. XLIII.

An Act *for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East-India Company, and for regulating in such Service the Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in the Service.* [28*th July*, 1849.]

3 & 4 Vict. c. 37.

Whereas an Act was passed in the third and fourth years of her present Majesty, intituled, " An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers " and Soldiers in the Service of the East-India Company, and for providing for the " Observance of Discipline in the Indian Navy, and to amend the Laws for regulating the " Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers " dying in Service:" and whereas it is expedient that the said Act be amended; and it being requisite, for retaining the forces of the East-India Company in their duty, that an exact discipline be observed, and that soldiers who shall mutiny or stir up sedition, or shall desert the said Company's service, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it

shall be lawful for her Majesty to make Articles of War for the better government of the East-India Company's forces, and from time to time to renew, alter, add to, or amend the same, as to her Majesty shall appear fit; and all Articles of War to be so made shall be judicially taken notice of by all judges and in all Courts whatsoever, and copies of the same, printed by the Queen's printer, shall, as soon as conveniently may be after the same shall have been made and established by her Majesty, be transmitted by her Majesty's Secretary at War to the Judges of her Majesty's Superior Courts at Westminster, Dublin, Edinburgh, and in India respectively, and also to the Governors of her Majesty's dominions abroad and of the territories under the Government of the said Company; provided that no person within the territories which are or may be under the Government of the said Company, and within one hundred and twenty miles' distance from the presidencies of Fort William, Fort Saint George, and Bombay respectively, shall by such Articles of War be subject to be transported as a felon, or be subject to any punishment extending to life or limb, except for crimes or offences which are by this Act expressly made liable to such transportation or to such punishment as aforesaid, nor shall be subject, with reference to any crimes made punishable by this Act, to be punished in any manner which shall not accord with the provisions of this Act; provided also, that nothing in this Act contained shall in any manner impeach or affect any Articles of War or other matters made, enacted, or in force, or which hereafter may be made or enacted or in force, under the authority of the Government of India, respecting officers or soldiers being natives of the East-Indies or other places within the limits of the said Company's Charter; and that on the trial of all offences committed by any native officer or soldier, or follower, reference shall be had to the Articles of War framed by the Government of India for such native officers, soldiers, or followers, and to the established usages of the service. (1)

The Queen may make Articles of War, of which all Courts shall take judicial notice, and copies to be transmitted to judges and governors.

Trial of native officer or soldier.

(1) [The Articles of War for native officers and soldiers are contained in the Act of the Government of India, No. 19 of 1847, amended by No. 36 of 1850 and No. 3 of 1854; see also No. 14 of 1849.]

II. And be it enacted, that the provisions of this Act shall apply to all persons belonging to any of the forces of the East-India Company who are or shall be commissioned or in pay as officers, or who are or shall be listed or in pay as non-commissioned officers or soldiers, or who are or shall be serving or hired to be employed in the artillery or any of the trains of artillery, or as master gunners or gunners, or as conductors of stores, or who are or shall be serving in the department of engineers, or in the corps of sappers and miners or pioneers, or as military surveyors or draftsmen, or in the ordnance and commissariat departments, and to all storekeepers and other civil officers employed under the ordnance, and to all apothecaries, veterinary surgeons, medical storekeepers, hospital stewards, and others serving in the medical department of the said forces, and to all licensed sutlers and followers in or of any of the said forces, and that all such persons shall be at all times subject to all the penalties and punishments mentioned in this Act, and shall in all respects whatsoever be holden to be within the intent and meaning of every part of this Act.

Persons subject to this Act.

III. And be it enacted, that for the purposes of this Act, and of any Articles of War to be made under the same, the presidency of Fort William in Bengal shall be deemed and taken to comprise under and within it all the territories which by law are divisible between the presidencies of Fort William in Bengal and Agra respectively, and such territories shall for all the purposes aforesaid be taken to be the presidency of Fort William in Bengal.

For the purposes of this Act, the presidency of Fort William to comprise that of Agra.

Officers, &c., raised or serving in places occupied by persons subject to the Government of the Company, liable to the same law as Company's other forces.

IV. And be it enacted, that all officers and soldiers of any troops, being mustered and in pay, which shall be raised and serving in any of the possessions or territories which are or may be under the Government of the said Company, or in places in possession of or occupied by persons subject to the Government of the said Company, or by any forces of the said Company, and being under the command of any officer having a commission immediately from the Government of any of the presidencies of the said Company, shall be liable to martial law, in like manner as the Company's other forces are.

After embarkation, all officers and soldiers subject to provisions of this Act.

V. And be it enacted, that all officers and soldiers who shall be enlisted in or transferred to the service of the said Company, and all officers in the said Company's service who may proceed in charge of or be appointed to do duty with such enlisted or transferred officers and soldiers, shall from and after their embarkation to go abroad to such place whereto they shall be sent in the service of the said Company be during their passage subject to all the provisions and regulations of this Act, and to all such provisions and regulations as officers and soldiers in the pay of the said Company shall from time to time be subject to at the garrison or place to which such officers and soldiers shall be sent; and in all cases in which it may happen that offences shall be committed by the said officers and soldiers after their embarkation, and before their arrival at their place of destination abroad, which cannot be tried and punished during their passage in such manner as such offences ought to be tried and punished, every such officer or soldier may and shall after his arrival at his place of destination abroad be tried and punished for every offence committed after his embarkation and before his arrival, in the same manner as he would have been liable to be tried and punished if such offence had been committed in any place where the offender might have been tried by court-martial held under the authority of this Act.

Offences committed during passage cognizable after arrival.

Commanders-in-chief at the several presidencies empowered to convene Courts-martial.

VI. And be it enacted, that for the purpose of bringing offenders to justice it shall be lawful for the general or other officer commanding in chief the forces in India, or the forces within the presidency of Fort William, and also for each of the generals or other officers respectively commanding in chief the forces within the presidencies of Fort Saint George and Bombay respectively, from time to time, as occasion may require, to convene Courts-martial for the trial of any officer or soldier under his command who is or shall be charged with any offence liable to be tried by Court-martial, whether such offence shall have been committed before or after such officer shall have taken upon himself such command; and it shall also be lawful for each of the said officers commanding in chief respectively to direct his warrant to any officer, not under the degree of a field officer, having the command of any body of forces, authorizing him to convene Courts-martial for the trial of offences committed by any officer or soldier under his command, whether the same shall have been committed before or after such officer shall have taken upon himself such command; and it shall also be lawful for each of the said officers commanding in chief respectively, when and as often as any sentence is given and passed by a Court-martial legally constituted, upon any officer or soldier under his command, to confirm such sentence, and to cause the same to be put into execution, or to suspend, mitigate, or remit the same; and it shall also be lawful for each of the said officers commanding in chief respectively to give his warrant to any officer, not under the degree of a field officer, having the command of any body of forces, to confirm sentences of Courts-martial passed upon officers or soldiers under the command of the officer to whom such warrant shall be given (always excepting in any such warrant the confirmation of any sentence of death, transportation, or cashiering, upon any commissioned officer), and to cause the same to be put into execution, or to suspend, mitigate, or remit the same; and the said officers commanding in chief respectively may (where they shall think fit) authorize any such

officer to confirm any such classes of sentences only, or sentences passed for any such class of offences only, or on any such classes of persons only, as they may think fit; and it shall also be lawful for her Majesty to grant commissions or warrants under the royal sign manual to any general or other officer having the command of any body of forces, as well in the possessions or territories which are or may be under the Government of the East-India Company as elsewhere, for convening Courts-martial, and for authorizing any officer under their respective commands to convene Courts-martial, as occasion may require, for the trial of offences committed by any of the forces under their several commands, whether the same shall have been committed before or after such officer shall have taken upon himself such command, the officer so authorized not being, however, below the degree of a field officer; and any person subject to the provisions of this Act who shall in any part of her Majesty's dominions, or the territories under the Government of the East-India Company, or elsewhere, commit any offence for which he may be liable to be tried by Court-martial, may be tried and punished for the same in any part of the territories which are or may be under the Government of the said Company, or elsewhere, where he may have come after the commission of the offence, in the same manner as if the offence had been committed where such trial shall take place.

The Queen may grant commissions or warrants for convening of Courts-martial for trying offences against Articles of War.

VII. And be it enacted, that all general Courts-martial held under the authority of this Act shall consist of not less than thirteen commissioned officers (except in cases where the same shall be holden in any place out of her Majesty's dominions and of the territories which are or may be under the Government of the said Company, or where the same shall be holden in any African colony, the Australian colonies, the settlements on the coast of China, Prince of Wales Island, Singapore, or Malacca, in which cases such general Courts-martial may consist of any number not less than five), and shall have power to sentence any officer or soldier to suffer death, transportation, or any other punishment which shall accord with the provisions of this Act.

Composition and constitution of general Courts-martial.

VIII. And be it enacted, that a district or garrison Court-martial shall consist of not less than five commissioned officers, and such Court-martial shall have the same power as a general Court-martial to sentence any soldier to such punishments as shall accord with the provisions of this Act; provided that such Court-martial shall not have power to try a commissioned officer, nor to pass any sentence of death or transportation.

Composition and powers of district or garrison Courts-martial.

IX. And be it enacted, that a regimental or detachment Court-martial shall consist of not less than five officers, unless it is found to be impracticable to assemble that number, when three may be sufficient, and shall have power to sentence any soldier to corporal punishment, to imprisonment, and to forfeiture of pay, in such manner as shall accord with the provisions of this Act.

Regimental and detachment Courts-martial.

X. And be it enacted, that in cases of mutiny and gross insubordination or other offences committed on the line of march or on board any ship or vessel, the offence may be tried by a regimental or detachment Court-martial, and the sentence confirmed and carried into execution on the spot by the officer in the immediate command of the troops; provided the sentence shall not exceed that which a regimental Court-martial is competent to award.

Courts-martial on line of march or in troop ships.

XI. And be it enacted, that it shall be lawful for any officer commanding any distinct detachment or portion of the said Company's troops which may at any time be serving in any place out of her Majesty's dominions, and of the possessions or territories which are or may be under the Government of the said Company, upon complaint made to him of any offence committed against the property or person of any inhabitant of or resident of any such

Officers in command of troops in foreign countries not in alliance with the East-India Company, may assemble Courts-martial.

countries, by any person serving with or belonging to the Company's army being under the immediate command of any such officer, to convene a detachment general Court-martial, which shall consist of not less than three officers, for the purpose of trying any such person; and every such Court-martial shall have the same powers in regard to sentence upon offenders as are granted by this Act to general Courts-martial: provided always, that no sentence of any such Court-martial shall be executed until the general commanding the army to which the division, brigade, detachment, or party to which any person so tried, convicted, and adjudged to suffer punishment shall belong shall have approved and confirmed the same.

Proceedings on mixed Courts-martial how to be regulated.

XII. And be it enacted, that where necessary or expedient, officers of her Majesty's land forces, or officers of her Majesty's royal marines, or officers of both such services, may sit on Courts-martial together with officers in the service of the East-India Company; and where the person to be tried shall belong to her Majesty's land forces, then the proceedings of the Court shall be regulated to all intents and purposes as if the Court was composed of officers of her Majesty's land forces only, and the provisions of the Act which shall exist at the time for the punishment of mutiny and desertion in her Majesty's forces shall be applicable to the proceedings of such Court; and where the person to be tried shall be in the service of the East-India Company, the provisions of this Act shall be applicable, notwithstanding any officer, though in the actual service of the said Company, may hold a commission from her Majesty or any of her royal predecessors; and where it shall happen that officers in the service of the said Company cannot conveniently be had to compose the whole or part of a Court-martial, then any officer or soldier or person subject to the provisions of this Act may be tried by a Court-martial composed of officers in her Majesty's service alone: provided always, that the officer convening such Court-martial shall specify in his warrant or order convening the Court that no officer in the service of the said Company could be conveniently had.

Courts-martial in some cases may be wholly composed of Queen's officers.

President of Court-martial.

XIII. And be it enacted, that the president of every Court-martial shall be appointed by the authority convening such Court, and shall in no case be the officer commanding in chief or governor of the garrison where the offender shall be tried, nor commander of the regiment, or body of troops composed of detachments of different regiments, to which the prisoner belongs, nor, in the case of a general Court-martial, under the degree of a field officer, unless a field officer cannot be had, nor in any case whatever under the degree of a captain, save in the case of a detachment general Court-martial holden in the countries of foreign powers, or of a regimental or detachment Court-martial holden on the line of march, or on board any ship or vessel, or on any foreign station, where a captain cannot be had; and it shall be lawful for any officer by whom any Court-martial shall be convened (where it may be necessary so to do) to authorize some fit person to execute the office of judge advocate at and for the purpose of such Court-martial.

Proceedings at trial.

XIV. And be it enacted, that in all trials by Courts-martial to be held by virtue of this Act, as soon as the president and other officers appointed to serve thereon shall be assembled, their names shall be read over in the hearing of the prisoner, who shall thereupon be asked if he objects to being tried by the president, or by any of such officers; and if the prisoner shall then object to the president, such objection shall be referred to the decision of the authority by whom such president shall have been appointed; but if he object to any officer other than the president, such objection shall be decided by the president and the other officers appointed to form the Court; and when the place of the president or of any other officer in respect of whom any challenge shall have been made and allowed, shall be supplied by some officer in

respect of whom no challenge shall have been made and allowed, or if no challenge shall have been made, or, if made, not allowed, the president and the other officers composing the Court shall take the oath in the schedule to this Act annexed before the Judge Advocate or his deputy, or person officiating as such, or before the President of such Court, who are hereby respectively authorized to administer the same; and any sworn member may administer the oath to the president; and as soon as the said oaths shall have been administered to the respective members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the person officiating as such, the oath in the schedule to this Act annexed; and no proceeding or trial shall be had upon any offence but during seasonable and convenient hours of the day, to be appointed by the officer commanding where the Court-martial is held, except in cases which require an immediate example.

Swearing and summoning witnesses.

XV. And be it enacted, that all general and other Courts-martial shall have power and authority and are hereby required to administer an oath, or, in case of natives of India, an oath or solemn declaration, as circumstances may require, to every witness or other person who shall be examined before such Court in any matter relating to any proceeding before the same; and every person, as well civil as military, who may be required to give or produce evidence before a Court-martial, shall, in the case of general Courts-martial, be summoned by the Judge Advocate-General or his deputy, or the person officiating as such, and in the case of all other Courts-martial, by the President of the Court; and all persons so summoned and attending as witnesses before any Court-martial shall during their necessary attendance in or on such Courts, and in going to and returning from the same, be privileged from arrest, and shall, if unduly arrested, be discharged by such Court-martial, or by any Court of law, or judge of any such Court, according as the case shall require, upon its being made to appear to such Court-martial, Court of law, or judge, by affidavit, in a summary way, that such witness was arrested in going to or returning from or attending upon such Court-martial; and all witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending to be sworn, or being sworn, shall refuse to give evidence, or not produce the documents under their power or control required to be produced by them, or refuse to answer all such questions as the Court may legally demand of them, shall be liable to be attached in any Court of justice, upon complaint made, in like manner as if such witness, after having been duly summoned or subpœnaed, had neglected to attend on a trial in any proceeding in the Court in which complaint shall be made.

Previous convictions to be put in evidence.

XVI. And be it enacted, that after a prisoner has been found guilty of any charge or charges the Court before which any such prisoner shall have been tried may, before passing sentence on such prisoner, and for the purpose only of affixing punishment, receive in evidence against him any previous convictions by any Courts-martial, and in like manner and for the like purpose the Court shall receive in evidence any previous conviction of such prisoner by a Court of ordinary criminal jurisdiction, where the offence charged in the indictment was of a felonious, fraudulent, or unnatural nature; and in the case of convictions by Courts-martial a certificate which shall purport to contain a copy of the charges, finding, and sentence of the Court, and of the minute of the infliction or remission of all or any part of such sentence, made from the original minutes of such Court, or from the Court-martial book, and which shall further purport to be signed by the Judge Advocate-General or by his deputy, or by the officer officiating as such, or by the officer confirming the proceedings, or by any competent staff officer, in case such copy be taken from the original minutes, or by the commanding officer, adjutant, or other officer having the custody of the Court-martial book, in case such copy be taken from the said book, shall be sufficient evidence of such con-

viction, and it shall not be necessary to prove the signature or official character of the person appearing to have signed such certificate, nor, if the Court be satisfied from all the circumstances of the case that the prisoner under trial is the person mentioned in any such certificate, shall it be necessary to give other proofs of the identity of the person of the offender; and in the case of a conviction by a Court of ordinary criminal jurisdiction, any certificate transmitted to the officer commanding a regiment by the clerk of any such Court, or other officer having custody of the records of such Court, or the deputy of such clerk or of such other officer, containing the substance and effect of any indictment, omitting the formal part, together with the judgment of the Court thereon, and purporting to be signed by such clerk or other officer, or by the deputy of such clerk or other officer, shall be sufficient evidence of such last-mentioned conviction, and it shall not be necessary to prove the signature or official character of the person appearing to have signed such last-mentioned certificate, nor, if the Court be satisfied, from all the circumstances of the case, that the prisoner under trial is the person mentioned in such certificate, shall it be necessary to give other proofs of the identity of the person of the offender: provided always, that before any such evidence shall be received it shall be proved to the satisfaction of the Court that the said prisoner had previously to his trial received notice of the intention to produce such evidence against him; and provided also, that the Court shall in no case award to him any other punishment or punishments than may by this Act and by the Articles of War for the Government of the East-India Company's forces be awarded for the offence of which he shall have been so found guilty.

Report of proceedings of general and district Courts-martial.

XVII. And be it enacted, that every Judge Advocate or person officiating as such at a general Court-martial, and the President of every district or garrison Court-martial, shall transmit, with as much expedition as the opportunity of time and distance of place will admit, the original proceedings and the sentence of such Court-martial to the Judge Advocate-General of the army in which such Court-martial shall be held, in whose office they are to be carefully preserved; and any person tried by a general Court-martial, or any person in his behalf, shall be entitled, on demand, to a copy of such sentence and proceedings (paying reasonably for the same), whether such sentence shall be approved or not, at any time not sooner than three months, if the trial took place on the continent of India, or six months if beyond seas; provided that such demand as aforesaid shall have been made within the space of three years from the date of the approval or other final decision upon the proceedings before such general Court-martial.

No second trial to be had for the same offence, and no revision more than once.

XVIII. And be it enacted, that no officer or soldier, being acquitted or convicted of any offence, shall be liable to be tried a second time by the same or any other Court-martial for the same offence; and that no finding, opinion, or sentence given by any Court-martial, and signed by the President thereof, shall be liable to be revised more than once, nor shall any additional evidence be received by the Court on any revision.

Crimes punishable with death.

XIX. And be it enacted, that if any person subject to this Act shall at any time during the continuance of this Act begin, excite, cause, or join in any mutiny or sedition in the land or marine forces of her Majesty or of the said Company, or shall not use his utmost endeavours to suppress the same, or, coming to the knowledge of any mutiny or intended mutiny, shall not without delay give information thereof to his commanding officer, or shall correspond with or give advice or intelligence to any rebel or enemy of her Majesty or of the East-India Company, either by letters, messages, signs, or tokens, in any manner or way whatsoever, or shall relieve with money, victuals, or ammunition, or knowingly harbour or

protect, any such rebel or enemy, or shall treat or enter into any terms with such rebel or enemy without the license of the said Company or of the said Company's Governor-General in Council, or of the Governor in Council at one of the presidencies, or of the general or chief commander, or shall cast away his arms or ammunition or otherwise misbehave himself before the enemy, or shall shamefully abandon or deliver up any garrison, fortress, post, or guard committed to his charge or which he shall be commanded to defend, or shall compel the governor or commanding officer of any garrison, fortress, post, or guard to deliver up to the enemy or to abandon the same, or shall speak words or use any other means to induce such governor or commanding officer or others to misbehave before the enemy, or shamefully to abandon or deliver up any garrison, fortress, post, or guard, committed to their respective charge, or which he or they shall be commanded to defend, or shall desert the said Company's service, or shall leave his commanding officer, or his post or colours, to go in search of plunder, or shall leave his post before relieved, or shall be found sleeping on his post, or shall treacherously make known the watchword, or shall intentionally occasion false alarms in action, camp, garrison, or quarters, or shall do violence to any person bringing provisions or other necessaries to the quarters of the forces, or shall force a safeguard, or shall break or enter into any house, or store, or cellar, or other place, for plunder, or shall strike, or shall draw or offer to draw or lift up any weapon, or use or offer any violence, against his superior officer, being in the execution of his office, or shall disobey any lawful command of his superior officer, or who, being confined in a military prison, shall offer any violence against a visitor or other officer being in the execution of his office, all and every person and persons so offending in any of the matters before mentioned, whether such offence shall be committed within the dominions of her Majesty or the territories which are or may be under the government of the said Company, or in foreign parts, and whether upon land or upon the sea, shall suffer death, or such other punishment as by a Court-martial shall be awarded.

XX. And be it enacted, that no judgment of death by a Court-martial shall pass unless two thirds at least of the officers present shall concur therein. Judgment of death.

XXI. And be it enacted, that whensoever any Court-martial by which any soldier shall have been tried and convicted of any offence punishable with death shall not think the offence deserving of capital punishment, such Court-martial may adjudge the offender, according to the degree of the offence, to be transported as a felon for life or for a certain term of years, or may sentence him to general service as a soldier in the said Company's forces, and in any country or place (such country or place being within the limits of the said Company's Charter and under the said Company's Government) which the officer commanding in chief the forces with which the offender may have been serving at or previously to the time of the offence shall thereupon direct, or may, if such offender shall have enlisted for a limited term of years, sentence him to serve for life as a soldier in any corps of the said Company's forces which the officer commanding in chief as aforesaid shall direct; provided, that in all cases where a capital punishment shall have been awarded by a Court-martial it shall be lawful for the commanding officer having authority to confirm the sentence, instead of causing such sentence to be carried into execution, to order the offender to be transported as a felon, either for life or for a certain term of years, as shall seem meet to such officer. Commutation of death for transportation.

XXII. And be it enacted, that every paymaster or other commissioned officer, or any person employed in the ordnance or commissariat department, or in any manner in the care or distribution of any money, provisions, forage, or stores, who shall embezzle or fraudulently Embezzlement punished by transportation.

misapply, damage, or be concerned in or connive at the embezzlement, fraudulent misapplication, or damage of any money, provisions, forage, arms, clothing, ammunition, or other military stores belonging to the East-India Company, or for the use of the East-India Company's forces or her Majesty's forces, may be tried for the same by a general Court-martial, which may adjudge any such offender to be transported as a felon for life or for any certain term of years, or to suffer such punishment of fine, imprisonment, dismissal from the East-India Company's service, and incapacity of serving the East-India Company or her Majesty in any office, civil or military, as such Court shall think fit, according to the nature or degree of the offence, and every such offender shall, in addition to any other punishment, make good at his own expense the loss and damage sustained which shall have been ascertained by such Court-martial, and in every such case the Court is required to ascertain by evidence the amount of the loss or damage incurred, and to declare by their sentence that such amount shall be made good by such offender, and the loss and damage, so ascertained as aforesaid, shall be a debt to the East-India Company, and may be recovered accordingly in any of the Courts of law in the East-Indies, or any of her Majesty's Courts at Westminster or in Dublin, or the Court of Exchequer in Scotland, or in any Court in her Majesty's colonies where the person sentenced by such Court-martial shall be resident, after the said judgment shall be confirmed and made known; and every officer sentenced to be transported as a felon, when such sentence shall be duly confirmed, shall thereupon cease to belong to the East-India Company's service, and forfeit any commission held from her Majesty, and for ever be incapable of serving the said Company or her Majesty in any military capacity.

Execution of sentences of transportation.

XXIII. And be it enacted, that her Majesty may, by any order or orders to be by her from time to time made with the advice of her Privy Council, appoint, or by any such order or orders in Council authorize the Governor-General of India in Council and the Governor in Council of Fort Saint George and Bombay respectively to appoint, any place or places beyond the seas within her Majesty's dominions to which felons and other offenders may be conveyed; and that when any such offender shall be about to be transported from any of the said presidencies to a place of transportation, the Governor of such presidency shall give orders for his intermediate custody and removal to the ship to be employed for his transportation, and shall empower some person to make a contract for the effectual transportation of the offender to the place so appointed, and shall direct security to be given for such transportation.

Transports to be subject to the convict laws of the place of transportation.

XXIV. And be it enacted, that every offender who shall be transported as aforesaid shall undergo the sentence of transportation which has been passed upon him in the colony or place to which he shall be removed or sent, and whilst such sentence shall remain in force shall be liable to be there imprisoned and kept to hard labour, and otherwise dealt with under such sentence, in the same manner as if he had been sentenced to be imprisoned with hard labour during the term of his transportation by the judgment of a Court of competent jurisdiction in the colony or place to which he has been so removed or sent.

Power to inflict corporal punishment.

XXV. And be it enacted, that any Court-martial may sentence any soldier to corporal punishment, not extending to life or limb, for immorality, misbehaviour, or neglect of duty; provided that no such sentence of corporal punishment exceed fifty lashes.

Power to inflict corporal punishment and imprisonment.

XXVI. And be it enacted, that it shall be lawful for any general, district, or garrison Court-martial, in addition to any sentence of corporal punishment, or without such sentence, to award imprisonment, with or without hard labour.

XXVII. And be it enacted, that in all cases in which corporal punishment shall form the whole or any part of the sentence awarded by any Court-martial it shall be lawful for the general or other officer authorized to confirm the sentences of Courts-martial to commute such corporal punishment to imprisonment, either solitary or otherwise, and either with or without hard labour, for any period not exceeding forty-two days; provided that such commutation of punishment to solitary confinement shall in no case exceed the period hereinafter prescribed.

Power to commute corporal punishment.

XXVIII. And be it enacted, that any general Court-martial may, in addition to any other punishment which it may be competent to award, sentence any offender to forfeiture of all advantage as to additional pay, good-conduct pay, and pension on discharge, which might have otherwise accrued from the length of his former service, or to forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, according to the nature of the case; and that any district or garrison Court-martial may also, in addition to any sentence which such Court may award, sentence any offender to such forfeiture for desertion or for disgraceful conduct,

Forfeiture of pay and pension by sentence of Court-martial.

In wilfully maiming or injuring himself or any other soldier, whether at the instance of such other soldier or not, with intent to render himself or such other soldier unfit for service;

In tampering with his eyes, with intent thereby to render himself unfit for service;

In wilfully doing any act, or wilfully disobeying any orders, whether in hospital or otherwise, thereby producing or aggravating any disease or infirmity, or delaying his cure;

In malingering or feigning disease;

In stealing or embezzling stores the property of the East-India Company or of the Crown, or in receiving them knowing them to have been stolen;

In stealing any money or goods the property of a comrade, of a military officer, or of any military or regimental mess or band, or in receiving any such money or goods knowing the same to have been stolen;

In making any false or fraudulent accounts, returns, matters, or entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent;

In stealing or embezzling or fraudulently misapplying money intrusted to him belonging either to the East-India Company or to the Crown;

Or in committing any offence of a felonious or fraudulent nature, to the injury of or with intent to injure any person, civil or military;

Or for any other disgraceful conduct, being of a cruel, indecent, or unnatural kind.

XXIX. And be it enacted, that every soldier who shall be found guilty of desertion by a Court-martial, such finding having been duly approved, or of felony by any Court of ordinary criminal jurisdiction, or of any crime or offence by any Court of criminal jurisdiction in the United Kingdom, or in any dominion, territory, colony, settlement, or island belonging to or occupied by her Majesty or the East-India Company, or by a Court-martial, which would if committed in the United Kingdom amount to felony, shall thereupon forfeit all advantage as to additional pay, good-conduct pay, and pension on discharge, which might have otherwise accrued from the length of his former service, in addition to any punishment which such Court may award.

Forfeiture of pay on conviction of desertion or felony.

Forfeiture of pay when in confinement under sentence, or during absence or commitment under a charge;

XXX. And be it enacted, that if any non-commissioned officer or soldier, by reason of his imprisonment, whether under sentence of a Court-martial or of any other Court duly authorized to pass such sentence, or by reason of his confinement for debt, or by reason of his desertion, or, being an apprentice, by reason of his being allowed to serve out his time with his master, shall have been absent from his duty during any portion of the time limited by his enlistment or re-engagement, or prolongation of service, such portion of his time shall not be reckoned as a part of the limited service for which such non-commissioned officer or soldier was enlisted or re-engaged, or for which his term of service may have been prolonged; and no soldier shall be entitled to pay, or to reckon service towards pay or pension, when in confinement under a sentence of any Court, or during any absence from duty by commitment or confinement under any charge of which he shall be afterwards convicted, either by Court-martial or by any Court of ordinary criminal jurisdiction, or whilst in arrest for debt; and that when any soldier shall be absent as a prisoner of war he shall not be entitled to pay or to reckon service towards pay or pension, for the period of such absence; but upon rejoining the service due inquiry shall be made by a Court-martial, and, unless it shall be proved to the satisfaction of such Court that the said soldier was taken prisoner through wilful neglect of duty on his part, or that he had served with or under or in some manner aided the enemy, or that he had not returned as soon as possible to the service, he may thereupon be recommended by such Court to receive either the whole of such arrears of pay or a proportion thereof, and to reckon service during his absence; and that any soldier who shall be convicted of desertion, or of absence without leave, shall, in addition to any punishment awarded by the Court, forfeit his pay for the day or days during which he was in a state of desertion, or during his absence without leave; and if any soldier shall absent himself without leave for any period not exceeding five days, and shall not account for the same to the satisfaction of the commanding officer, or if any soldier shall be guilty of any other offence which the commanding officer may not think necessary to bring before a Court-martial, the commanding officer may order that such soldier shall be imprisoned for any period not exceeding one hundred and sixty-eight hours, with or without hard labour, or with or without solitary confinement, as the said commanding officer may think fit, and such soldier shall forfeit his pay for any day or days on which he may be so imprisoned; and the said commanding officer may moreover order, that, in addition to or instead of such imprisonment and forfeiture, or any other punishment which he has authority to inflict, any soldier who shall have so absented himself as aforesaid shall forfeit his pay for the day or days on which he shall have so absented himself, and in pursuance of any such order as aforesaid the pay of the soldier shall be accordingly forfeited: provided always, that such soldier shall not be liable to be afterwards tried by a Court-martial for any offence for which he shall have been so punished, or ordered to suffer imprisonment, punishment, or forfeiture as aforesaid; provided also, that any soldier who shall be so ordered to suffer imprisonment or forfeiture of pay shall, if he so request, have a right to be tried by a Court-martial for his offence, instead of submitting to such imprisonment or forfeiture; provided also, that it shall be lawful for the Government under which any soldier is serving to order or withhold the payment of the whole or any part of the pay of any such soldier during the period of absence by any of the causes aforesaid.

or in arrest for debt;

or when prisoner of war;

or when convicted of desertion or of absence without leave, or when absent without leave not exceeding five days.

Forfeiture of pay for drunkenness on duty.

XXXI. And be it enacted, that any Court-martial may sentence any soldier, for being drunk when on or for duty or parade or on the line of march, to be deprived of one penny or eight pice a day of his pay for any period not exceeding thirty days, in addition to any other punishment which such Court may award.

XXXII. And be it enacted, that any general, garrison, or district Court-martial before which any soldier shall be convicted of habitual drunkenness shall, in addition to any other punishment which such Court is competent to award, deprive such soldier of such portion of his pay, for such period not exceeding two years, and under such restrictions and regulations as may accord with her Majesty's Articles of War for the Company's troops, subject to restoration on subsequent good conduct; and, in addition to any other punishment which the Court may award, every regimental or detachment Court-martial shall deprive a soldier convicted of a charge of habitual drunkenness of such portion of his additional or regular pay or allowance, for such period not exceeding six months, and under such restrictions and regulations, as may accord with her Majesty's Articles of War for the Company's troops, subject to restoration on subsequent good conduct: provided always, that a soldier so sentenced to the forfeiture of pay who shall be quartered at or removed to a station where liquor forms part of his ration, and is issued in kind, shall be deprived of his liquor in kind, instead of being deprived of one penny or eight pice of his daily pay, for so long a time as he shall remain at such station and such sentence of forfeiture of pay shall remain in force.

Forfeiture of pay and liquor for habitual drunkenness.

XXXIII. And be it enacted, that, in addition to any other punishment which the Court may award, a Court-martial may further direct that any offender may be put under stoppages until he shall have made good,

Stoppages.

Any loss or damage occasioned by him in any of the instances of disgraceful conduct hereinbefore specified;

Any loss or destruction of or damage or injury to any property whatsoever, occasioned by his wilful or negligent misconduct;

Any loss or destruction of or damage or injury to his horse, or to the horse of any other soldier, or to any beast used in Indian warfare, or any loss or destruction of or damage or injury to his arms, clothing, instruments, equipments, accoutrements, or regimental necessaries, or any loss or destruction of or damage or injury to the arms, clothing, instruments, equipments, accoutrements, or regimental necessaries of any other soldier, occasioned by his wilful or negligent misconduct;

Any expense necessarily incurred by his drunkenness or other misconduct:

Provided always, that, except in the case of the loss or destruction of accoutrements and regimental necessaries, in which case the Court may by its sentence direct that the said stoppages shall continue till the cost of replacing the same be made good, the amount of any loss, destruction, damage or injury, or expense, shall be ascertained by evidence, and the offender shall be placed under stoppages for such an amount only as shall be proved to the satisfaction of the Court; provided also, that, after satisfying the charges for his messing and washing, so much only of the pay of the soldier may be stopped and applied as shall leave him a residue at the least of one penny or eight pice a day.

XXXIV. And be it enacted, that whenever any soldier shall have been convicted of any such disgraceful conduct as aforesaid, and the Court in respect thereof shall have made the forfeiture of all claim to pension on discharge a part of the sentence passed on such soldier, such Court may further recommend that he be discharged with ignominy from the service.

Discharge with ignominy.

XXXV. And be it enacted, that on the first and on every subsequent conviction of desertion the Court-martial, after awarding such punishment as it may think fit, may order the offender to be marked on the left side, two inches below the armpit, with the letter D,

Marking deserters.

such letter not to be less than an inch long, and to be marked upon the skin with some ink or gunpowder or other preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Power of imprisonment by different kinds of Courts-martial.

XXXVI. And be it enacted, that a general, garrison, or district Court-martial may sentence any soldier to imprisonment, with or without hard labour, and may also direct that such offender shall be kept in solitary confinement for any portion or portions of such imprisonment, not exceeding fourteen days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement of not less duration than such periods; and that any regimental or detachment Court-martial may sentence any soldier to imprisonment, with or without hard labour, for any period not exceeding forty-two days, and may also direct that such soldier may be kept in solitary confinement for any portion or portions of such imprisonment, not exceeding fourteen days at a time, with an interval between them of not less duration than such periods of solitary confinement: provided always, that when any Court-martial, whether general, garrison, or district or regimental, shall direct that the imprisonment shall be solitary only, the period shall in no case exceed fourteen days.

Imprisonment of offenders already under sentence for previous offence.

XXXVII. And be it enacted, that whenever sentence shall be passed by a Court-martial on a person already imprisoned under sentence of a Court-martial for any former offence, it shall be lawful for the Court to award imprisonment for the subsequent offence, to commence at the expiration of the imprisonment to which such person shall have been previously sentenced; and where such person shall be already under sentence either of imprisonment or transportation, the Court, if empowered to pass sentence of transportation, may award such sentence for the subsequent offence, to commence at the expiration of the imprisonment or transportation to which such person shall have been previously sentenced, although the aggregate of the terms of imprisonment or transportation respectively may exceed the term for which either of those punishments would be otherwise awarded.

Term of imprisonment.

XXXVIII. And be it enacted, that, save as hereinbefore specially provided, every term of imprisonment under the sentence of a Court-martial, whether original or revised, shall be reckoned as commencing on the day on which the original sentence and proceedings shall have been signed by the President.

Place of imprisonment.

XXXIX. And be it enacted, that the place of imprisonment under the sentence of general Courts-martial shall be appointed by the officer commanding in the district, garrison, or place, and, under the sentence of any other Court-martial, shall be appointed by the officer confirming the proceedings of such Court-martial, and in default of such appointment then the place of imprisonment shall be appointed by the officer commanding the regiment or corps to which the offender belongs or is attached.

Keepers of prisons to receive military offenders.

XL. And be it enacted, that every governor, provost, marshal, gaoler, or keeper of any public prison, house of correction, or other place of confinement in any part of the territory under the government of the East-India Company, or of her Majesty's dominions, shall receive into his custody any military offender under the sentence of imprisonment by a general or other Court-martial, upon delivery to him of an order in writing in that behalf from the officer commanding the regiment or corps to which the offender belongs or is attached, which order shall specify the period of imprisonment which the offender is to undergo, and the day and hour of the day on which he is to be released; and such governor,

provost marshal, gaoler, or keeper shall keep such offender in a proper place of confinement, with or without hard labour, and with or without solitary confinement, according to the sentence of the Court, and during the time specified in the said order, or until he shall be discharged, or delivered over to military custody before the expiration of that time under an order duly made for that purpose.

XLI. And be it enacted, that in the case of a prisoner undergoing imprisonment under the sentence of a Court-martial in any public prison, or gaol, or house of correction, or other place of confinement, it shall be lawful for the officer who confirmed the proceedings, or for the officer commanding in the district or garrison or place, to give, as often as occasion may arise, an order in writing directing that the prisoner be discharged, or be delivered over to military custody, whether for the purpose of being removed to some other prison or place, there to undergo the remainder or any part of his sentence, or for the purpose of being brought before a Court-martial, either as a witness or for trial, or other purpose, and such prisoner shall accordingly on the production of such order be discharged or be delivered over, as the case may be: provided always, that the time during which any prisoner under sentence of imprisonment by a Court-martial shall be detained in military custody shall be reckoned as imprisonment under the sentence, for whatever purpose such detention shall take place.

Orders as to removal of prisoners to be obeyed.

XLII. And be it enacted, that the gaoler or person having the immediate inspection of any prison, gaol, house of correction, or other place of confinement, shall diet and provide every soldier imprisoned by the sentence of a Court-martial, or as a deserter, with fuel and other necessaries, according to the regulations of such place of confinement, the expense of which shall be paid in the same manner as the other expenses of such prison, or as may be provided by any laws or regulations to be made in that behalf.

Diet of prisoners.

XLIII. And be it enacted, that every gaoler or person having the immediate inspection of any public prison, gaol, house of correction, or other place of confinement, to whom any notice shall have been given, or who shall have reason to believe or to know that any person in his custody for any offence, civil or military, is a soldier liable to serve the East-India Company on the expiration of his imprisonment, shall give one month's notice of the period of such expiration of imprisonment, or, if there shall not be a sufficient time for a month's notice, then the longest practicable notice thereof to the adjutant-general of the army, or to the nearest military authority to whom such notice may conveniently be given.

Notice to be given of the expiration of imprisonment.

XLIV. And be it enacted, that musters shall be taken of every regiment, troop, or company in the East-India Company's service at such times as shall be appointed, and no soldier shall be absent from such musters, unless properly certified to be employed on some other duty of the regiment, or to be sick, or in prison, or on furlough; and every officer who shall make any false or untrue muster of man or beast, or shall wittingly or willingly allow or sign the muster roll wherein such false muster is contained, or any duplicate thereof, or who shall directly or indirectly take or cause to be taken any money or gratuity for mustering any soldiers, or for signing any muster rolls or duplicates thereof, or shall knowingly muster any person by a wrong name, or shall give or procure to be given any untrue certificate, whereby to excuse any soldier for his absence from any muster or any other service which he ought to attend or perform, upon proof thereof, upon oath made by two witnesses before a general Court-martial, shall for such offence be forthwith cashiered, and shall be thereby utterly disabled to have or hold any civil or military office or employment within

Musters and punishment for false musters.

the territories under the Government of the East-India Company, or in the United Kingdom of Great Britain or Ireland, or in the service of the said Company or of her Majesty.

Trials for desertion after subsequent enlistment.

XLV. And be it enacted, that every soldier shall be liable to be tried and punished for desertion from any corps into which he may have enlisted, or from the East-India Company's service, although he may of right belong to some corps from which he shall originally have deserted; and that whether such soldier shall be tried for deserting from the corps into which he originally enlisted, or for deserting from the corps into which he may have subsequently enlisted, or for any other desertion, every desertion previous or subsequent to that for which he may be so tried may, if duly stated in the charges, be given in evidence against him on such trial.

Apprehension of deserters.

XLVI. And be it enacted, that every person who shall voluntarily deliver himself up and confess himself to be a deserter from the East-India Company's forces, or who while serving in any of the said Company's forces shall, to any officer or non-commissioned officer thereof, confess himself to be a deserter as aforesaid, or who, upon being apprehended for any offence, shall, in the presence of the magistrate or of the commanding officer of the place, confess himself to be a deserter as aforesaid, shall be deemed to have been duly enlisted and to be a soldier, and shall be liable to serve in any such corps of the said Company's forces as the officer commanding in chief at any of the said presidencies shall appoint, whether such person shall have been actually enlisted as a soldier or not, and he shall be liable to punishment in the same manner as if he had actually enlisted and had afterwards deserted.

Punishment for inducing or assisting in desertion.

XLVII. And be it enacted, that any person who shall by words or by any other means whatsoever, directly or indirectly procure any soldier to desert, or shall, by words or by any other means whatsoever, attempt to procure or persuade any soldier to desert, and any person who, knowing that any soldier is about to desert, shall aid or assist him in deserting, or, knowing any soldier to be a deserter, shall conceal such deserter, or aid or assist such deserter in concealing himself, shall be deemed guilty of a misdemeanor, and shall on conviction thereof be liable to be punished by fine or imprisonment, or both, as the Court before which such conviction shall take place may adjudge.

Enlisting and attesting recruits.

XLVIII. And be it enacted, that it shall be lawful for any justices of the peace within the territories under the Government of the East-India Company, and for any person holding the office of British Resident, or performing the duties of such office, within the territories of any foreign state, to enlist and attest any persons desirous of enlisting, or any soldiers or others desirous of re-enlisting, into the service of the said Company; and the said justices of the peace shall have the same powers in that behalf as by the Mutiny Act passed in the present year for her Majesty's forces are given to justices in the United Kingdom for the purposes of enlistment, and any person so enlisted or re-enlisted shall be deemed to be an enlisted soldier in the service of the said Company.

Recruits concealing infirmities punishable.

XLIX. And be it enacted, that any person who shall enlist into the East-India Company's forces, and who shall be discovered to be incapable of active service, or unfit for the service for which he shall have been enlisted, by reason of any infirmity which shall have been concealed by such person or not declared at the time of his attestation, and mentioned at the foot thereof, may be transferred into any garrison or veteran or invalid battalion or company, or into any of the said Company's European forces, or into her Majesty's land forces or marine forces, notwithstanding he shall have enlisted for any particular regiment or any particular

service, and shall be entitled to receive such proportion or residue of bounty only as shall be allowed by the said Company by any regulation made in that behalf, in lieu and instead of the bounty upon which such man shall have been enlisted, anything in any Act or Acts or any rules or regulations relating to soldiers to the contrary notwithstanding.

No paymaster to receive fees, or to make unusual deductions out of pay, or to detain pay. Punishment for so doing.

L. And be it enacted, that no paymaster or other person shall receive any fees or make any deductions whatsoever out of the pay or allowance of any officer or soldier in the East-India Company's service, or from their agents, other than the usual deductions or such other necessary deductions as shall from time to time be required to be made, according to the regulations of the service; and every paymaster or other person having received any officer's or soldier's pay and allowances, who shall unlawfully detain the same for the space of one month, or refuse to pay the same when it shall become due, according to the several rates and agreeably to the regulations established by the rules of the service, shall, upon proof thereof before a Court-martial, be discharged from his employment, and shall forfeit one thousand Company's rupees, and be liable to such further punishment as shall by the Court-martial be awarded, one moiety of such fine to be paid to the informer; and should such informer be a soldier, he shall, if he demand it, be discharged from any further service: provided always, that it shall be lawful for the Governor-General in Council or the Governor in Council at the said presidencies respectively to give orders for withholding the pay of any officer or soldier for any period during which such officer or soldier shall be absent without leave, or improperly absent from his corps and from his duty.

Penalty for procuring false musters.

LI. And be it enacted, that every person, not having any military commission, who shall give or procure to be given any untrue certificate whereby to excuse any soldier for his absence from any muster or any other service which he ought to attend or perform, or who shall directly or indirectly take or cause to be taken any money or gratuity for mustering any soldiers, or for signing any muster rolls or duplicates thereof, shall forfeit for every such offence the sum of five hundred Company's rupees; and any person who shall falsely be mustered or offer himself to be mustered, or lend or furnish any horse or other beast to be falsely mustered, shall, upon oath made by two witnesses before some magistrate residing near the place where such muster shall be made, forfeit the sum of two hundred Company's rupees; and the informer, if he belong to the Company's service, shall, if he demand it, be forthwith discharged the said service.

Penalty on purchasing soldiers' necessaries, stores, &c.

LII. And be it enacted, that any person who shall knowingly detain, buy, exchange, or receive from any soldier or deserter, or any other person, on any pretence whatsoever, or shall solicit or entice any soldier, or shall be employed by any soldier, knowing him to be such, to sell any arms, ammunition, clothes, or military furniture, or any provisions, or any sheets or other articles used in barracks, provided under barrack regulations, or regimental necessaries, or any article of forage provided for any horses or other beasts belonging to or used in the East-India Company's service, or who shall have in his or her possession or keeping any such arms, ammunition, clothes, furniture, provisions, spirits, articles, necessaries, or forage as aforesaid, and shall not give a satisfactory account how he or she came by the same, or shall change the colour of any clothes as aforesaid, shall forfeit for every such offence any sum not exceeding two hundred Company's rupees, together with the treble value of all or any of the several articles of which such offender shall so become possessed; and if any person, having been so convicted, shall afterwards be guilty of any such offence, and shall be convicted thereof by one or more justices of the peace, every such offender shall for every such offence forfeit any sum not exceeding two hundred Company's rupees but not less than fifty

Company's rupees, and the treble value of all or any of the several articles of which such offender shall have so become possessed, and shall, in addition to such forfeiture, be liable to be imprisoned only, or imprisoned and kept to hard labour, for any term not exceeding six calendar months, as the convicting justice or justices shall think fit; and upon any information against any person for a second or any subsequent offence a copy of the conviction, certified by the proper officer having the care or custody of such conviction, or any copy of the same, proved to be a true copy, shall be sufficient evidence to prove a conviction of the former offence; and if any credible person shall prove on oath or solemn declaration before a justice of the peace, or person exercising the like authority, a reasonable cause to suspect that any person has in his or her possession, or on his or her premises, any property of the description hereinbefore described, with respect to which any such offence shall have been committed, the justice, or person exercising like authority, may grant a warrant to search for such property as in the case of stolen goods; and if upon search any such property shall be found the same shall and may be seized by the officer charged with the execution of such warrant, who shall bring the offender in whose possession the same shall be found before such justice or other person, to be dealt with according to law.

Soldiers entitled to discharge may claim to be sent home free of expense.

LIII. And be it enacted, that every soldier entitled to his discharge, either upon the expiration of any period for which he shall have engaged to serve, or otherwise, shall be entitled to be sent to Great Britain or Ireland free of expense, and be entitled on his return to have and receive marching money from the place of his being landed to the parish or place in which he shall have been originally enlisted, or at which he shall at the time of arrival in Great Britain or Ireland decide to take up his residence, such place not being at a greater distance from the place of his landing than the place of his original enlistment, such marching money being at the rate and reckoning per diem fixed for victualling soldiers in her Majesty's service on the march: provided always, that every such soldier entitled to and claiming his discharge, and to be sent to Great Britain or Ireland, as aforesaid, as also any other soldier in the service of the East-India Company entitled to be sent to Great Britain or Ireland shall, until his arrival and debarkation in Great Britain or Ireland, be subject to the provisions of this Act, and the Articles of War framed or to be framed by her Majesty for the better government of the Company's forces; and her Majesty may by such Articles of War provide for the punishment of any such soldier who in the passage shall be guilty of drunkenness, or of any dishonest, disorderly, cruel, indecent, or disgraceful conduct, by sentence of a Court-martial, to be held under the Mutiny Act and Articles of War for the time being in force for her Majesty's forces, and may direct that for the purposes of such Court-martial and punishment he shall be considered as belonging to any regiment in her Majesty's service, and be punishable in the same or the like manner as if the offence had been committed whilst serving with such regiment, and as if any advantages he may be entitled to by service were advantages arising from service in her Majesty's forces.

Punishment of offences on the voyage.

Indian Government may suspend proceedings.

LIV. And be it enacted, that the Government of any of the said presidencies in India may suspend the proceedings of any Court-martial which may at any time be holden within such presidencies respectively.

Power to appoint general Courts-martial anywhere beyond 120 miles from the presidencies (except Prince of Wales Island, Singapore, and

LV. And be it enacted, that any officer or soldier who shall be serving in the territories of any foreign state, or in any country under the protection of her Majesty or the said Company, or at any place (other than Prince of Wales Island, Singapore, and Malacca) in the territories under the Government of the said Company, and situated above one hundred and twenty miles from the presidencies of Fort William, Fort Saint George, and Bombay

respectively, and who shall be accused of having committed treason or any other crime which if committed in England would be felony, or of having committed any offence against the person or property of any subject of her Majesty, or any other person entitled to the protection of her Majesty or of the Government of the East-India Company, or of any state in alliance with the said Company, may be tried by a general Court-martial to be appointed by the general or other officer commanding in chief in such place for the time being, and if found guilty shall suffer death, or be liable to transportation for life or for a term of years, or other punishment, according to the nature and degree of the offence, as by the sentence of any such general Court-martial shall be awarded: provided always, that no sentence of a general Court-martial for any such offence shall be carried into execution until the same shall have been confirmed by the general or other officer commanding in chief as aforesaid; and such officer may, if he shall think fit, suspend, mitigate, or remit the sentence, or, in the case of a sentence of death, commute the same, by directing the offender to be transported as a felon for life or for any certain term of years; provided also, that any person who may have been so tried as aforesaid shall not be tried for the same offence by any other Court whatsoever.

Malacca), for the trial of capital and other offenders.

LVI. Provided always, and be it enacted, that where any officer or soldier shall under the clause lastly hereinbefore contained have been found guilty of any such offence as therein mentioned, committed at any place within the territories under the Government of the said Company situated above one hundred and twenty miles from the presidencies of Fort William, Fort Saint George, and Bombay respectively, and the offender shall have been tried within such territories, no sentence of death or transportation in respect of such offence, whether original, revised, or commuted, shall be carried into execution until such sentence shall have been approved by the Governor-General in Council, or Governor in Council of the presidency in the territories subordinate to which the offender shall have been tried.

Proviso for confirmation by the Governor in Council in certain cases.

LVII. And be it enacted, that if any person liable under the provisions hereinbefore mentioned to be tried by a Court-martial for any crime or offence alleged to have been committed within the territories of any foreign state, or in any country under the protection of her Majesty or the said Company, or at any place (other than Prince of Wales Island, Singapore, or Malacca) in the territories under the Government of the said Company, situate above one hundred and twenty miles from the said presidencies of Fort William, Fort Saint George, and Bombay respectively, or upon the high seas, and for which no proceeding shall have been commenced in any Court of competent jurisdiction, shall be apprehended by the authority of or brought before any magistrate for any such offence, such magistrate shall deliver over such accused person to the commanding officer of the regiment, corps, or detachment to which such accused person shall belong, or to the commanding officer of the nearest military station, for the purpose of his being tried by a Court-martial for such offence as is hereinbefore provided in that behalf.

Such offenders, if apprehended by civil authorities, to be delivered over for trial by Court-martial.

LVIII. And be it enacted, that nothing in this Act contained shall be construed to exempt any officer or soldier from being proceeded against by the ordinary course of law; and any commanding officer who shall neglect or refuse, when application is made to him for that purpose, to deliver over to the civil magistrate any officer or soldier under his command accused of any crime or offence against the person, estate, or property of any of her Majesty's subjects, or any other person entitled to the protection of her Majesty or of the respective Governments of the East-India Company or of any state in alliance with the said Company, which is punishable by the ordinary course of law, or shall wilfully obstruct, neglect, or

The ordinary course of law not to be interfered with.

refuse to assist the officers of justice in apprehending any officer or soldier under his command so accused as aforesaid, such officer shall, upon conviction thereof on any prosecution in any of her Majesty's Courts of Record in the United Kingdom or in India, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any civil or military office or employment in the said Company's service in the East-Indies; and a copy of the record of such conviction, subscribed and attested by the clerk of the crown or other proper officer of the Court in which such conviction shall take place, shall within two months from the time of such conviction be transmitted to the Judge Advocate-General of the army to which such offender shall belong; provided, that nothing herein contained shall extend to require the delivery over to the civil magistrate of any such person accused of any offence who shall have been tried for such offence by any Court-martial under the provisions hereinbefore in that behalf contained, or against whom any effectual proceeding shall have been taken or ordered to be taken for the purpose of bringing such person to trial by Court-martial under the provisions hereinbefore in that behalf contained; provided also, that no person or persons, being acquitted or convicted of any crime, violence, or offence by the civil magistrate or the verdict of a jury, shall be liable to be punished by a Court-martial for the same, otherwise than by cashiering; and whenever any officer or soldier shall have been tried before a Court of ordinary criminal jurisdiction, the clerk of the Court or other officer having the custody of the records of such Court, or the deputy of such clerk, shall, if required by the officer commanding the regiment to which such officer or soldier belongs, transmit to him a certificate containing the substance and effect only, omitting the formal part, of the indictment, conviction, or acquittal of such officer or soldier, and shall be allowed for such certificate a fee of one Company's rupee and eight annas; and every such certificate, containing the substance and effect of the indictment and conviction, and purporting to be signed as aforesaid, shall be sufficient evidence before a Court-martial of such conviction, and it shall not be necessary to prove the signature or official character of the person appearing to have signed the certificate, nor, if the Court be satisfied, from all the circumstances of the case, that the prisoner under trial is the person mentioned in such certificate, shall it be necessary to give other proofs of the identity of the person of the offender.

Soldier not to be arrested for debt unless amounting to 300 Company's rupees.

LIX. And be it enacted, that no person whatever enlisted into the East-India Company's service as a soldier shall be liable to be arrested or taken therefrom by any process or execution whatsoever, other than for some criminal matter, unless an affidavit shall be made by the plaintiff, or some one on his behalf, (for which no fee shall be taken,) before some judge of the Court out of which such process or execution shall issue, or before some person authorized to take affidavits in such Court, of which affidavit a memorandum without fee shall be endorsed upon the back of such process, that the original debt for which the action has been brought or execution sued out amounts to the value of three hundred Company's rupees at the least, over and above all costs of suit in the action or actions on which the same shall be grounded; and any judge of such Court may examine into any complaints made by a soldier or by his superior officer, and by warrant under his hand discharge such soldier, without fee, he being shown to be duly enlisted, and to have been arrested contrary to the intent of this Act, and shall award reasonable costs to such complainant, who shall have for the recovery thereof the like remedy as would have been applicable to the recovery of any costs which might have been awarded against the party by whom the action shall have been brought or execution sued as aforesaid: provided always, that any plaintiff, upon notice of the cause of action first given in writing to any soldier, or left at his last quarters or place of residence before listing, may file a common appearance in any action to be brought for or

upon account of any debt whatsoever, and proceed therein to judgment and outlawry, and have execution other than against the body.

Persons employed under Articles of War to collect effects of officers dying in service abroad may do so without probate or letters of administration.

LX. And be it enacted, that it shall be lawful for all officers or other persons who by or under the authority of any Articles of War in force for the time being for the European officers or soldiers in the service of the said Company may be authorized or required to take care of or collect or superintend, or direct the collection, of the effects or any part of the effects of any officers or soldiers dying in the service of the said Company out of the United Kingdom to ask, demand, and receive any such effects to which his authority shall extend, and to commence, prosecute, and carry on any actions or suits for the recovery thereof, and to sell and dispose of or otherwise deal with the same, without taking out any letters of administration, either with any will annexed or otherwise, in every respect as if such officers or persons employed or required as aforesaid had been appointed executors, and had proved the will, or had taken out administration of such effects; and no registrar of any Court in the East-Indies, or any person acting under the appointment or authority of such Court *ad colligenda* or otherwise, shall in any manner interpose in relation to any such effects, unless required and authorized so to do by any such officer or person so authorized or required as aforesaid, any Act or Acts, law, statute, or usage, to the contrary notwithstanding.

What debts to be deemed regimental debts, and to have priority accordingly.

LXI. And be it enacted, that all sums of money due by deceased officers and soldiers in respect of any military clothing, appointments, and equipments, servants' wages due, and household expenses, during the current month, or in respect of any quarters, or of any mess or band or regimental accounts, and all sums of money due to any agent or paymaster or quartermaster, or any other officer, upon any such account, or on account of any advance made for any such purpose, and also any charges or expenses attending or relating to the illness or funeral of any such officer or soldier, shall be deemed and taken to be regimental debts, and shall be paid out of any arrears of pay or allowances, or out of any prize or bounty money, or the equipage, goods, chattels, and effects of any officer or soldier dying out of the United Kingdom while in the service of the said Company, in preference to any other debts, claims, or demands whatsoever upon the estate and effects of such officer or soldier; and if doubt shall arise as to whether any claim or demand made in relation to any officer or soldier is a regimental debt or not, or whether such charges or expenses attending or relating to the illness or funeral of such officer or soldier are proper to be allowed, or whether any such regimental debts remain due, such question shall be decided and concluded by any order or certificate to be made either by the military secretary to the Government of the presidency to which such officer or soldier shall have belonged, or, in case where, for convenience, such last-mentioned military secretary shall authorize or request the military secretary to the Government of any other presidency to act on his behalf, then by such last-named military secretary; and all such payments shall be good and valid in law, and every person who shall make any such payment out of any such arrears of pay, effects, or proceeds as aforesaid, under the provisions of this Act, or in pursuance of any such order or certificate of such military secretary, or into whose hands any such money shall come, shall be and are hereby indemnified for and in respect of such payments, and all other acts, matters, and things done in pursuance of the provisions of this Act, or of the order or certificate of the said military secretary in relation to the distribution of such assets, anything in any Act or Acts, or law or laws, to the contrary notwithstanding.

Regimental debts to be paid without probate or letters of administration, and the surplus only to be deemed the personal estate to be administered.

Military secretary to administer such surplus, when not exceeding 1,000 Company's rupees, without probate or administration, and duty-free.

LXII. And be it enacted, that all such regimental debts shall and may be paid without probate of any will being obtained, or any letters of administration, or any confirmation of testament, or letters testamentary or dative, being taken out by any person, and the surplus only of such arrears of pay or allowances, prize or bounty money, equipage, goods and chattels, or the proceeds thereof, shall be deemed the personal estate of the deceased for the payment of any duty which may be claimable in respect of the same; and it shall be lawful for the said military secretary to the Government of the presidency to which the deceased shall have belonged to order and direct the payment or distribution of any such surplus, to any amount not exceeding one thousand Company's rupees, without any probate or letters of administration, or confirmation of testament, or letters testamentary or dative, or payment of any duty; and it shall also be lawful for any paymaster or other person to issue any sum, not exceeding the value of one thousand Company's rupees, which may be due to any deceased officer or soldier, unto the widow or relative of any officer or soldier deceased, or unto the representative or representatives of any such officer's widow, or relative in India, in like manner, without any probate or letters of administration, or confirmation of testament, or letters testamentary or dative, or payment of any duty, the same to be paid to the person who shall be notified by the said military secretary as aforesaid as being entitled thereto, or as being a proper person to receive the same; and all such payments respectively shall be as valid and effectual to all intents and purposes as if the same had been made by or to any executor or administrator, or under the authority of any probate or letters of administration, or confirmation of testament, letters testamentary or dative, anything in any Act or Acts, or law or laws, to the contrary notwithstanding.

Effects remitted not to be deemed assets in the place to which remitted, so as to render administration necessary.

Military secretary authorized to order remittance of effects to any other place in India.

LXIII. And be it enacted, that any effects, or the proceeds or surplus of any effects, which shall be collected or received under the authority of any Articles of War as aforesaid, when remitted to any person, under any order of the military secretary to the Government of any of the said Company's presidencies, or to such military secretary, shall not, by reason of coming to the hands of such person or military secretary, be taken to be assets or effects in the place to which such proceeds or surplus may be remitted so as to render it necessary that administration should be taken out in respect thereof; and it shall be lawful for the military secretary to the Government of the presidency to which the deceased officer or soldier shall have belonged to order that such effects, or the proceeds or surplus of any such effects, shall be remitted to any other place in India, person or persons, by whom the same can more conveniently be paid over to the person or persons entitled thereto; and the obedience to the orders of such military secretary in respect to the payment and disposal of any such effects, proceeds, or surplus of such effects shall be a sufficient discharge from all actions, suits, and demands in respect thereof, to all persons to whose hands any such effects, proceeds, or surplus shall have come, and by whom the same shall have been paid and disposed of under the order of such military secretary.

Mode of administering surplus prescribed.

LXIV. And be it enacted, that the effects, or the proceeds or surplus of the effects, collected or received under the authority of any Articles of War as aforesaid, which shall remain after satisfying such regimental debts as aforesaid, and subject to such payment or distribution as is hereinbefore authorized, shall with all convenient speed be transmitted to such military secretary as aforesaid by the officer or person employed or required to take care of, collect, and receive the same; and such military secretary shall cause the same, or the surplus thereof remaining after satisfying such debts, and subject to such payment and distribution as aforesaid, to be paid to the executor or legal representative (if in India) of

such officer or soldier, or if there shall be no such executor or legal representative in India, or no such executor or legal representative shall within twelve months from the death of such officer or soldier claim such surplus, then and in that case such military secretary shall remit the said surplus to the Court of Directors of the East-India Company in London, to be by them paid to the executor or legal representative of such officer or soldier so deceased; and such remittance at the end of twelve months as aforesaid shall be a discharge to such military secretary from all actions, suits, and demands in respect of such surplus: provided always, that the registrar of her Majesty's several Supreme Courts in India shall not be required or entitled to take out letters of administration with the will annexed, or otherwise, in respect of such surplus, nor in any manner to interpose in relation thereto, unless expressly authorized so to do by the said military secretary; and in all cases in which the surplus so to be remitted by the said military secretary to the said Court of Directors in London shall not exceed one hundred pounds, it shall be lawful for the said Court of Directors to order and direct the payment and distribution thereof to the parties entitled thereto, without any probate, letters testamentary or dative, or payment of any duty.

Registrar of Supreme Courts to take out administration to surplus.

LXV. And be it enacted, that it shall be lawful for her Majesty, by any Articles of War to be made by her as aforesaid, to make provision for collecting any effects of deserters, and for payment out of the same of any regimental debts and quarters of the deserters, and for carrying the balance to the credit of the East-India Company, for the use of the said Company; and that all questions respecting any such regimental debts may be determined and concluded in such manner as hereinbefore is provided.

The Queen may make provision for the collection and administration of the effects of deserters.

LXVI. And be it enacted, that in all places where the said Company's forces now are or may be employed, or where any body of her Majesty's forces may be serving with the forces of the said Company, situate beyond the jurisdiction of any Courts of Requests or other Courts for enforcing small demands established at the cities of Calcutta, Madras, and Bombay respectively, actions of debt, and all personal actions against officers, all persons licensed to act as sutlers to any corps or detachments or at any station or cantonment, persons resident within the limits of a military cantonment, or other persons amenable to the provisions of this Act, not being soldiers, shall be cognizable before a Court of Requests composed of military officers, and not elsewhere, provided the value in question shall not exceed four hundred Company's rupees, and that the defendant was a person of the above description when the cause of action arose, which Court the commanding officer of any camp, garrison, or cantonment is hereby authorized and empowered to convene; and the said Court shall in all practicable cases consist of five commissioned officers, and in no instance of less than three; and the president thereof shall in all practicable cases be a field officer, and in no case be under the rank of a captain; and every member shall have served five years as a commissioned officer; and the president and members assisting at any such Court, before any proceedings be had before it, shall take the following oath, which oath shall be administered by the president of the Court to the other members thereof, and to the president by any member having first taken the oath; (that is to say),

Where troops are serving beyond the jurisdiction of the Court of Requests, actions of debt not exceeding 400 Company's rupees to be cognizable by a Military Court.

Composition and constitution of the Court prescribed;

"I swear, that I will duly administer justice according to the evidence in "the matters that shall be brought before me. "So help me GOD."

And all witnesses before any such Court shall be examined in the same manner as in the case of a trial by Court-martial; and it shall be competent for such Court, upon finding or awarding any debt or damage, either to award execution thereof generally, or to direct

and its powers defined.

specially that the whole or any part thereof shall be stopped, and paid over to the plaintiff, out of any part not exceeding one half of any pay or allowance, or out of any other public money which may respectively be coming to the defendant in the current or any future month or months, or to direct the same to be so paid by instalments; and in all cases where the execution shall be awarded generally, the debt, if not paid forthwith, shall be levied by seizure and public sale of such of the defendant's goods and property as may be found within the camp, garrison, or cantonment, under a written order of the commanding officer, grounded on the judgment of the Court; and all orders of such commanding officer as to the manner of such sale, or the person by whom the same shall be made, or otherwise respecting the same, shall be valid and binding; and any goods and property of the defendant found within the limits of the camp, garrison, or cantonment to which the defendant shall belong at any subsequent time shall be liable to be seized and sold in like manner, in satisfaction of any remainder of such debt or damages; and if any question shall arise whether any such effects or property are liable to be taken in execution as aforesaid, the decision and order of the said commanding officer shall be final and conclusive with respect to the same; and if sufficient goods shall not be found within the limits of the camp, garrison, or cantonment, then any public money, or any part, not exceeding one half, of the pay or allowances accruing to the defendant, shall be stopped, in liquidation of such debt or damage; and if such defendant shall not receive pay as an officer or from any public department, but be a sutler, servant, or follower, he may be arrested by like order of the commanding officer, and imprisoned in some convenient place within the military boundaries for any period not exceeding two months, unless the debt be sooner paid; and the said commanding officer shall not, nor shall any person acting on his orders in respect of the matters aforesaid, incur any liability to any person or persons whomsoever for any act done by him in pursuance of the provisions aforesaid; and in cases where the said Court shall direct specially that the whole or any part of the debt or damages shall be stopped and paid out of part of any pay or allowances, or out of any public money, the same shall be stopped and paid accordingly, in conformity with such direction: provided always, that nothing hereinbefore contained shall enable any such action as aforesaid to be brought in the said Court by any officer or soldier against any officer.

Term and limitation of actions.

LXVII. And be it enacted, that any action which shall be brought against any person for anything to be done in pursuance of this Act shall be brought within six months; and it shall be lawful for every such person to plead thereunto the general issue of not guilty, and to give all special matter in evidence to the jury which shall try the issue; and if the verdict shall be for the defendant in any such action, or the plaintiff therein become nonsuited, or suffer any discontinuance thereof, the Court in which the said matter shall be tried shall allow unto the defendant treble costs, for which the said defendant shall have the like remedy as in other cases where costs are given to defendants; and every action against any person for anything to be done in pursuance of this Act, or against any member of a Court-martial in respect of any sentence of such Court, or of anything done by virtue or in pursuance of such sentence, shall be brought in some of the Courts of Record at the presidencies in India, or in the Courts of Record at Westminster or in Dublin, or the Court of Session in Scotland, and in no other Court whatsoever.

Modes of procedure.

Mode of recovering penalties.

LXVIII. And be it enacted, that all penalties and forfeitures by this Act imposed may and shall be sued for and be recoverable in any Court of Record at the said presidencies, or in any other Court in India in which under any laws made or to be made in India the penalty would be recoverable if the same had been incurred by the offender in breach of any

other law: provided always, that no action shall be brought or prosecution carried on by virtue of this Act for any such penalties or forfeitures as aforesaid unless the same be commenced within six months after the offence is committed.

LXIX. And be it enacted, that one moiety of any penalty, not including any treble value of any articles adjudged or recovered under the provisions of this Act, shall go to the person who shall inform or sue for the same; and the remainder of the penalty, together with the treble value of any article, or, where the offence shall be proved by the person who shall inform, the whole of the penalty, shall be paid to the military secretary of the Government of the presidency to which the Court by whom the penalty shall be adjudicated shall be subject, and shall abide the disposal of such military secretary; and the Court which shall adjudge any penalty under this Act shall immediately report the same to the said secretary.

One moiety to informer; remainder to military secretary of the presidency.

LXX. And be it enacted, that in all cases where any oath is hereby required to be taken, or any person is hereby required to be sworn, a solemn declaration or affirmation may be substituted, if by the laws for the time being in force in India such declaration or affirmation would be allowed to be substituted in the place of an oath in case the party were about to depose as a witness in a civil action in any of the Supreme Courts at the presidencies; and that any persons wilfully and knowingly giving false testimony on oath, or solemn declaration or affirmation in any case wherein such oath or solemn declaration or affirmation shall have been made for the purpose of this Act, shall be deemed guilty of wilful and corrupt perjury, and being thereof duly convicted shall be liable to such pains and penalties as by any law in force in England, or by any law in force in India, any persons convicted of wilful and corrupt perjury are subject and liable to; and every commissioned officer convicted before a general Court-martial of perjury shall be cashiered; and every soldier or other person amenable to the provisions of this Act found guilty thereof shall be punished at the discretion of a general or other Court-martial.

Punishment for giving false testimony.

LXXI. And be it enacted, that all crimes and offences which have been committed against the said Act of the third and fourth years of the reign of her present Majesty, hereinbefore mentioned, or against any of the Articles of War made and established by virtue of the same, may be inquired of and punished in like manner as if they had been committed against this Act, and every warrant for holding any Court-martial under the said Act shall remain in full force notwithstanding the repeal of such Act, and all proceedings of any Court-martial upon any trial begun under the authority of such former Act shall not be discontinued by the repeal of the same: provided always, that no person shall be liable to be tried and punished for any offence against the said Act or this Act, or the Articles of War made or to be made by virtue of the same Acts or either of them, which shall appear to have been committed more than three years before the issuing of the commission or warrant for such trial, unless the person accused, by reason of his having absented himself, or of some other manifest impediment, shall not have been amenable to justice within that period, in which case such person shall be liable to be tried at any time not exceeding two years after the impediment shall have ceased.

Offences against former Mutiny Acts and Articles of War, and all existing proceedings, continued.

LXXII. And be it enacted, that nothing in this Act contained shall in any manner affect her Majesty's royal prerogative of mercy.

Act not to affect Queen's prerogative.

LXXIII. And be it enacted, that nothing herein contained shall affect the provisions of an Act passed in the seventh and eighth years of her Majesty, intituled, "An Act to remove

Not to affect provisions of 7 & 8 Vict. c. 18.

"Doubts as to the Power of appointing, convening, and confirming the Sentences of Courts-"martial in the East-Indies," and that all the provisions thereof shall after the passing of this Act apply and be in full force and effect, unless and except so far as the provisions thereof may in any respect be inapplicable.

Commencement of this Act, and repeal of former Act.

LXXIV. And be it enacted, that this Act shall commence and take effect from and after the first day of January, one thousand eight hundred and fifty, and that from and after such day all powers and provisions contained in the said Act of the third and fourth years of her present Majesty, except as hereinafter is particularly provided, shall cease and determine, and that from and after the same day the Articles of War made by her Majesty in pursuance of the said Act shall cease and determine: provided nevertheless, that full effect shall be given to the provisions hereinbefore contained respecting the punishment of offences against the said former Act, and otherwise, as hereinbefore is mentioned; and that, so far as may be necessary to give full effect to such provisions, the said Act of the third and fourth years of her Majesty, and the Articles of War made in pursuance of the same, shall be deemed to be in full force; and provided also, that all the powers and provisions contained in the said Act of the third and fourth years of her Majesty concerning or in any way relating to the Indian Navy shall be and remain in full force and effect, in the same manner as if this Act had not passed; and provided also, that the repeal of the same Act shall not operate to revive any former Act.

Act may be amended or repealed.

LXXV. And be it enacted, that this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

SCHEDULE to which this Act refers.

Form of Oath to be taken by the President and Members of Courts-martial.

You shall well and truly try and determine according to the evidence in the matter now before you. So help you GOD.

I *A. B.* do swear, that I will duly administer justice according to the rules and articles for the better government of the forces of the East-India Company, and according to an Act of Parliament now in force for the punishment of mutiny and desertion of the said forces, and other crimes therein mentioned, without partiality, favour, or affection, and if any doubt shall arise which is not explained by the said Articles or Act, according to my conscience, the best of my understanding, and the custom of war in the like cases; and I further swear, that I will not divulge the sentence of the Court until it shall be duly approved, neither will I, upon any account, at any time whatsoever, disclose or discover any vote or opinion of any particular member of the Court-martial, unless required to give evidence thereof as a witness by a Court of justice or a Court-martial in due course of law.

So help me GOD.

Form of Oath to be taken by the Judge-Advocate (or person officiating as such).

I do swear, that I will not upon any account whatsoever, disclose or discover any vote or opinion of any particular member of the Court-martial, unless required to give evidence thereof as a witness by a Court of justice or a Court-martial in a due course of law, and that I will not, unless it be necessary for the due discharge of my official duties, disclose the sentence of the Court until it shall be duly approved. So help me GOD.

12 & 13 VICTORIÆ. Cap. LXXIV.

An Act *for the further Relief of Trustees.* [28*th July*, 1849.]

Whereas difficulties have arisen in the transfer of securities vested in trustees in certain cases under the provisions of an Act passed in the session of Parliament holden in the tenth and eleventh years of the reign of her present Majesty, intituled "An Act for better securing "Trust Funds, and for the Relief of Trustees," and it is expedient to make further provision for carrying into effect the objects of the said recited Act: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that if upon any petition presented to the Lord Chancellor or Master of the Rolls in the matter of the said Act it shall appear to the judge of the Court of Chancery before whom such petition shall be heard that any monies, annuities, stocks, or securities are vested in any persons as trustees, executors, or administrators, or otherwise, upon trusts within the meaning of the said recited Act, and that the major part of such persons are desirous of transferring, paying, or delivering the same to the Accountant-General of the High Court of Chancery under the provisions of the said recited Act, but that for any reason the concurrence of the other or others of them cannot be had, it shall be lawful for such judge as aforesaid to order and direct such transfer, payment, or delivery to be made by the major part of such persons without the concurrence of the other or others of them; and where any such monies or government or parliamentary securities shall be deposited with any banker, broker, or other depositary, it shall be lawful for such judge as aforesaid to make such order for the payment or delivery of such monies, government or parliamentary securities, to the major part of such trustees, executors, administrators, or other persons as aforesaid, for the purpose of being paid or delivered to the said Accountant-General as to the said judge shall seem meet; and every transfer of any annuities, stocks, or securities, and every payment of money or delivery of securities, in pursuance of any such order, shall be as valid and effectual as if the same had been made on the authority or by the act of all the persons entitled to the annuities, stocks, or securities so transferred, or the monies or securities so paid or delivered respectively, and shall fully protect and indemnify the Governor and Company of the Bank of England, the East-India Company, and the South-Sea Company, and all other persons acting under or in pursuance of such order.

10 & 11 Vict. c. 96.

Court of Chancery may, upon application by majority of trustees, &c., order payment or transfer of trust monies, stocks, or securities into Court of Chancery.

II. And be it enacted, that this Act may be amended or repealed in the present session of Parliament.

Act may be amended, &c.

12 & 13 VICTORIÆ. Cap. LXXXIV.

An Act *for carrying into effect Engagements between her Majesty and certain Arabian Chiefs in the Persian Gulf for the more effectual Suppression of the Slave Trade.* [1*st August*, 1849.]

Whereas on the thirtieth day of April, in the year of our Lord one thousand eight hundred and forty-seven, an engagement was concluded between Major S. Hennell, the Resident in the Persian Gulf, on behalf of her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and Sultan Bin Sugger, Shaik of Ras-el-Khyma and Shargah in the Persian Gulf, the chief of the Joasmee Arabs, whereby it was agreed as follows:

"I, Shaik Sultan Bin Sugger, chief of the Joasmee tribe, with a view to strengthen the "bonds of friendship existing between me and the British Government, do hereby engage to "prohibit the exportation of slaves from the coasts of Africa and elsewhere on board of my "vessels, and those belonging to my subjects or dependents, such prohibition to take effect "from the 1st day of Mohurrum, 1264 A.H. (or 10th Dec. 1847 A.D.)

"And I do further consent, that whenever the cruizers of the British Government fall in "with any of my vessels, or those belonging to my subjects or dependents, suspected of being "engaged in the slave trade, they may detain and search them; and in case of their finding "that any of the vessels aforesaid have violated this engagement, by the exportation of slaves "from the coasts of Africa or elsewhere, upon any pretext whatsoever, they (the Government "cruizers) shall seize and confiscate the same:"

And whereas on the said thirtieth day of April, one thousand eight hundred and forty-seven, an engagement was also concluded between Major S. Hennell, the Resident in the Persian Gulf, on behalf of her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and Muktoom Bin Buttye, Shaik of Debaye, whereby it was agreed as follows:

"I, Muktoom Bin Buttye, Shaik of Debaye, with the view to strengthen the bonds of "friendship existing between me and the British Government, do hereby engage to prohibit "the exportation of slaves from the coasts of Africa and elsewhere on board of my vessels, "and those belonging to my subjects or dependents, such prohibition to take effect from the "1st day of Mohurrum, 1264 A.H. (or 10th Dec. 1847 A.D.)

"And I do further consent, that whenever the cruizers of the British Government fall in "with any of my vessels, or those belonging to my subjects or dependents, suspected of "being engaged in the slave trade, they may detain and search them; and in case of their "finding that any of the vessels aforesaid have violated this engagement, by the exportation "of slaves from the coasts of Africa or elsewhere, upon any pretext whatsoever, they (the "Government cruizers) shall seize and confiscate the same."

And whereas on the first day of May, in the said year one thousand eight hundred and forty-seven, an engagement was also concluded between the said Major S. Hennell, on behalf of her Majesty, and Abdool Azeez Bin Rashid, Shaik of Eginan, whereby it was agreed as follows:

"I, Abdool Azeez Bin Rashid, Shaik of Eginan, with the view to strengthen the bonds "of friendship existing between me and the British Government, do hereby engage to pro- "hibit the exportation of slaves from the coasts of Africa and elsewhere on board of my

" vessels, and those belonging to my subjects or dependents, such prohibition to take effect " from the 1st day of Mohurrum, 1264 A.H. (or 10th Dec. 1847 A.D.)

" And I do further consent, that whenever the cruizers of the British Government fall in " with any of my vessels, or those belonging to my subjects or dependents, suspected of " being engaged in the slave trade, they may detain and search them; and in case of their " finding that any of the vessels aforesaid have violated this engagement, by the exportation " of slaves from the coasts of Africa or elsewhere, upon any pretext whatsoever, they (the " Government cruizers) shall seize and confiscate the same."

And whereas on the said first day of May an engagement was concluded by the said Major S. Hennell, on behalf of her Majesty, and Shaik Abdullah Bin Rashid, Shaik of Amulgavine, whereby it was agreed as follows:

" I, Abdullah Bin Rashid, Shaik of Amulgavine, with a view to strengthen the bonds of " friendship existing between me and the British Government, do hereby engage to prohibit " the exportation of slaves from the coast of Africa and elsewhere on board of my vessels, and " those belonging to my subjects or dependents, such prohibition to take effect from the " first day of Mohurrum, 1264 A.H. (or 10th December, 1847 A.D.)

" And I do further consent, that whenever the cruizers of the British Government fall in " with any of my vessels, or those belonging to my subjects or dependents, suspected of being " engaged in the slave trade, they may detain and search them; and in case of their finding " that any of the vessels aforesaid have violated this engagement, by the exportation of slaves " from the coasts of Africa or elsewhere, upon any pretext whatsoever, they (the Government " cruizers) shall seize and confiscate the same."

And whereas on the third day of May, in the said year one thousand eight hundred and forty-seven, an engagement was concluded by the said Major S. Hennell, on behalf of her Majesty, and Shaik Saeed Bin Tahnoon, chief of Aboothabee, whereby it was agreed as follows:

" I, Saeed Bin Tahnoon, Shaik of the Beni Yas, chief of Aboothabee, with a view to " strengthen the bonds of friendship existing between me and the British Government, do " hereby engage to prohibit the exportation of slaves from the coasts of Africa and elsewhere " on board of my vessels, and those belonging to my subjects or dependents, such prohibition " to take effect from the 1st day of Mohurrum, 1264 A. H. (or 10th December, 1847).

" And I do further consent, that whenever the cruizers of the British Government fall in " with any of my vessels, or those belonging to my subjects or dependents, suspected of being " engaged in the slave trade, they may detain and search them; and in case of their finding " that any of the vessels aforesaid have violated this engagement, by the exportation of slaves " from the coasts of Africa or elsewhere, upon any pretext whatsoever, they (the Government " cruizers) shall seize and confiscate the same."

And whereas on the eighth day of May, in the said year one thousand eight hundred and forty-seven, an engagement was concluded by the said Major S. Hennell, on behalf of her Majesty, and Shaik Mahomed Bin Khuleefa Bin Subman, chief of Bahrein, whereby it was agreed as follows:

" I, Mahomed Bin Khuleefa Bin Subman, chief of Bahrein, with the view to strengthen " the bonds of friendship existing between me and the British Government, do hereby engage " to prohibit the exportation of slaves from the coasts of Africa and elsewhere, on board of " my vessels, and those belonging to my subjects or dependents, such prohibition to take " effect from the 1st day of Mohurrum, 1264 A.H. (or 10th December 1847 A.D.)

"And I do further consent, that whenever the cruizers of the British Government fall in "with any of my vessels, or those belonging to my subjects or dependents, suspected of being "engaged in the slave trade, they may detain and search them; and in case of their finding "that any of the vessels aforesaid have violated this engagement, by the exportation of slaves "from the coasts of Africa or elsewhere, upon any pretext whatsoever, they (the Government "cruizers) shall seize and confiscate the same."

And whereas it is expedient that effectual provision should be made for carrying into execution the provisions of the said several agreements: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for the commanders and other officers of her Majesty's ships of war, or of the East-India Company, to visit and detain in any seas any vessel belonging to either of the said respective chiefs Shaik Sultan Bin Sugger, chief of the Joasmee tribe, Muktoom Bin Buttye, Shaik of Debaye, Abdool Azeez Bin Rashid, Shaik of Eginan, Abdullah Bin Rashid, Shaik of Amulgavine, Saeed Bin Tahnoon, Shaik of the Beni Yas, chief of Aboothabee, Mahomed Bin Khuleefa Bin Subman, chief of Bahrein, or to any of their subjects or dependents, which shall upon reasonable grounds be suspected of being engaged in the traffic in slaves or having been fitted out for that purpose, and to send or carry away such vessel, together with its masters, sailors, passengers, slaves, and cargo, for the purpose of such vessel being brought to adjudication as hereinafter mentioned.

Officers commanding ships of her Majesty, as well as those of the East-India Company, authorized to visit vessels belonging to the before-mentioned chiefs, or to any of their subjects or dependents.

The trial of vessels engaged in the slave trade.

II. And be it enacted, that it shall be lawful for the High Court of Admiralty of England, and for all Courts of Vice-Admiralty in any dominions of her Majesty beyond the seas, including those Courts of Vice-Admiralty within the territories under the government of the East-India Company, to take cognizance of and try any such vessel which shall be detained or captured for the violation of the said agreements, and to condemn any such vessel to her Majesty, and adjudge as to the slaves found therein, in like manner and under such and the like rules and regulations as are contained in any Act or Acts of Parliament in force in relation to the suppression of the slave trade by British-owned ships, as fully as if all the powers and provisions contained in such Acts were re-enacted in this Act as to such High Court of Admiralty or Courts of Vice-Admiralty.

Persons giving false evidence deemed guilty of perjury.

III. And be it enacted, that every person who shall wilfully and corruptly give false evidence in any examination or deposition had or affidavit taken in any proceeding under the said engagements or this Act shall be deemed guilty of perjury, and being thereof convicted shall be subject and liable to all the punishments, pains, and penalties to which persons convicted of wilful and corrupt perjury are liable; and every such person may be tried for any such perjury, either in the place where the offence was committed or in any colony or settlement of her Majesty near thereto in which there is a Court of competent jurisdiction to try any such offence, or in her Majesty's Court of Queen's Bench in England, and that in case of any prosecution for such offence in her Majesty's said Court of Queen's Bench the venue may be laid in the county of Middlesex.

Pendency of suits to be a bar to any proceedings instituted for the recovery of the vessels detained.

IV. And be it enacted, that the pendency of any suit or proceeding instituted for the condemnation or restitution of any ship or cargo, or slaves, taken, seized, or detained by virtue of the said agreements, or the final adjudication, condemnation, or judgment or determination thereupon, may be pleaded in bar or given in evidence under the general issue, and shall be deemed in any Court whatever to be a complete bar in any action, suit, or proceeding, whether instituted by any person or persons for the recovery of any such ship, vessel, or

cargo, or of any damage, or for any injury sustained thereby or by the persons on board the same, in consequence of any capture, seizure, or detention, or anything done under or in pursuance of the provisions of the said agreements.

V. And be it enacted, that any ship or vessel which shall be condemned as aforesaid may be taken into her Majesty's service, upon payment of such sum as the Lord High Admiral or the Lords Commissioners of the Admiralty shall deem a proper price for the same, or, if not so taken, shall be broken up and demolished, and the materials thereof shall be publicly sold in separate parts, and the proceeds thereof shall be paid to such person or persons as the Commissioners of her Majesty's Treasury may appoint to receive the same.

Vessels condemned to be sold for her Majesty's service or broken up.

VI. And be it enacted, that where any ship or vessel employed or engaged in such illicit traffic in slaves, in violation of the said agreements, shall be seized by any ship or vessel belonging to her Majesty or the East-India Company, and afterwards condemned, there shall be paid to the captors the net proceeds to which her Majesty is entitled, the same to be distributed in the manner hereinafter directed for the distribution of bounties on slaves taken on board the said vessels.

Captors of vessels shall, after the same are condemned, be entitled to the proceeds belonging to her Majesty.

VII. And be it enacted, that there shall be paid to the commander, officers, and crews of her Majesty's ships, or the commander, officers, and crews of the ships of the East-India Company, a bounty of five pounds for every man, woman, and child slave seized and found on board any ship or vessel taken and condemned in pursuance of the provisions of the said agreements and of this Act, such bounty to be issued and paid by order from the Commissioners of her Majesty's Treasury, and to be distributed to and amongst the captors aforesaid in such manner and proportions as her Majesty shall think fit to order by any order in Council made or to be made or by any proclamation for that purpose.

Bounty for slaves captured.

VIII. And be it enacted, that where any ship or vessel which shall have been seized and condemned under the provisions of the said agreements shall have been or shall be demolished, and the materials thereof publicly sold in separate parts as well as her cargo, there shall be paid to the commanders, officers, and crews of her Majesty's ships or of those of the East-India Company, in addition to the amount of the proceeds of such sale as hereinbefore mentioned, a further bounty on the tonnage of such ship or vessel at the rate of thirty shillings for every ton of such tonnage.

Bounty on tonnage of slave ships captured and demolished.

IX. And be it enacted, that where any ship or vessel having no slaves on board shall have been seized and condemned under the provisions of the said agreements there shall be paid to the commanders, officers, and crews of her Majesty's ships or those of the East-India Company an additional bounty upon the tonnage of such ship or vessel at the rate of four pounds for every ton; and the tonnage of all such vessels shall be ascertained according to the mode of ascertaining the admeasurement of British vessels, either by the principal officer of the customs at the port where the vessel may be at the time of condemnation, or in default thereof by the best evidence which can be obtained: provided always, that in every case in which any ship or vessel shall be seized with slaves on board in which the bounty calculated upon the number of slaves shall be less than the bounty calculated upon the tonnage, the commanders of her Majesty's ships or of those of the East-India Company, making the seizure, may elect to take the bounty calculated according to tonnage, instead of the bounty which would be payable upon the number of slaves on board.

Where no slaves are on board a ship seized and condemned, an additional bounty to be paid.

Bounties to be paid out of the Consolidated Fund.

X. And be it enacted, that all bounties payable under this Act shall be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland to the commanders, officers, and crews of her Majesty's ships and of the ships of the East-India Company, and such bounties shall be issued and paid by order from the Commissioners of her Majesty's Treasury.

Bounties not liable to payment of fees.

XI. And be it enacted, that the said bounty, as also all bounties payable under any of the Acts for the abolition or suppression of the slave trade, shall not hereafter be charged with treasury fees or exchequer fees of any description.

Proof of tonnage.

XII. Provided always, and be it enacted, that in order to entitle the captors to receive the said bounty money the tonnage of the ship or vessel so seized and condemned shall be proved to the Commissioners of her Majesty's Treasury by producing a copy, duly certified, of the sentence or decree of condemnation, or by such documentary or other evidence as they may deem satisfactory.

Copy of sentence of condemnation to be produced to the Commissioners of the Treasury.

XIII. Provided always, and be it enacted, that in order to entitle the captors to receive the said bounty money on slaves, the number of men, women, and children so taken, delivered over, and condemned shall be proved to the Commissioners of her Majesty's Treasury by producing a copy, duly certified, of the sentence or decree of condemnation, and also a certificate under the hand of the proper officer or officers, military or civil, who may be appointed to receive such slaves.

One moiety of the bounty only to be paid in certain cases.

XIV. And be it enacted, that where any slaves, or persons treated as slaves, shall be seized on board any ship or vessel taken and condemned in pursuance of the said agreements and of this Act, but who shall not have been delivered over in consequence of death, sickness, or other inevitable circumstance, it shall be lawful for the said Commissioners of her Majesty's Treasury, if to their discretion it shall seem meet, to direct payment of one moiety of the bounty which would have been due in each case respectively if the said slaves had been delivered over.

Parties claiming benefit under this Act may resort to the Court of Admiralty.

XV. Provided also, and be it enacted, that any party or parties claiming any benefit by way of bounty under the provisions of this Act, or of any share of the proceeds of any vessel confiscated in pursuance of the provisions of the aforesaid agreements, may resort to the High Court of Admiralty for the purpose of obtaining the judgment of the said Court in that behalf, and that it shall be lawful for the judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any question of joint capture which may arise upon any seizure made in pursuance of this Act, and also to enforce any decrees or sentences of the said Vice-Admiralty Courts relating to any such seizure.

Regulations and penalties respecting prize agents' accounts extended to bounties, &c. under this Act.

XVI. And be it enacted, that all the provisions, rules, regulations, forfeitures, and penalties respecting the delivery by prize agents of accounts for examination, and the distribution of prize money, and the accounting for and paying over the proceeds of prize and the percentage due thereon to Greenwich Hospital, shall be extended to all bounties and proceeds to be distributed, under the provisions of this Act, to the officers and crews of any of her Majesty's ships and vessels of war.

Commissioners of the Treasury may order payment of costs awarded for vessels detained but not condemned.

XVII. And be it enacted, that where any ship or vessel belonging in whole or in part to the before-mentioned chiefs, or their subjects or dependents, shall have been detained and brought to adjudication by any officers of her Majesty the Queen of Great Britain and Ireland or of those of the East-India Company, and the said ship shall be restored by sentence

of the Court, it shall be lawful for the Commissioners of her Majesty's Treasury, by warrant signed by any two or more of them, to direct payment to be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland of any costs or damages which may be duly awarded: provided always, that nothing herein contained shall exempt such officer from his liability to make good the payments so made, when lawfully called upon either by the parties interested therein or by order of the said Commissioners of her Majesty's Treasury.

XVIII. And be it enacted, that when any seizure shall be made by any of the commanders, officers, and crews of her Majesty's ships or of those of the East-India Company, and judgment shall be given against the seizor, or when such seizure shall be relinquished by him, it shall be lawful for the said Commissioners of her Majesty's Treasury, if to their discretion it shall seem meet, by warrant signed by any two or more of them, to direct payment to be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland of such costs and expenses as the seizor may have incurred in respect of such seizure, or any proportional part thereof.

The Commissioners of the Treasury may repay to the seizor of any vessel not condemned the expenses incurred by him.

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12 & 13 VICTORIÆ. Cap. XCVI.

An Act *to provide for the Prosecution and Trial in her Majesty's Colonies of Offences committed within the Jurisdiction of the Admiralty.* [1*st August*, 1849.]

Section 5 of this Act excepts from its operation the territories under the East-India Company.

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12 & 13 VICTORIÆ. Cap. CVI.

An Act *to amend and consolidate the Laws relating to Bankrupts.* [1*st August*, 1849.]

The following section of this Act is the only one requiring insertion.

LXXV. That the filing of a petition under an Act passed in the eleventh year of the reign of her present Majesty, intituled, "An Act to consolidate and amend the Laws relating "to Insolvent Debtors in India," by any trader liable to become bankrupt under this Act, and the adjudication of an act of insolvency under that Act, shall, for the purposes of this Act, be accounted and adjudged conclusive evidence of an act of bankruptcy committed by such trader at the time of filing such petition, or of filing the petition on which the adjudication of an act of insolvency shall be made; and any creditor or creditors of such trader whose debt or debts shall be of sufficient amount to enable him or them to petition for adjudication

Filing petition in Insolvent Debtors Court in India.
11 & 12 Vict. c. 21.

Acts of bankruptcy in general.

of bankruptcy under this Act may, at any time within two months after notice of the insolvency shall have been given in the *London Gazette* as directed by the said Act for amending the laws relating to insolvent debtors in India, petition for adjudication of bankruptcy under this Act against such trader, under which petition all such proceedings may be had and taken as are authorized and directed by this Act, subject to such exceptions and provisions as are contained in the last-mentioned Act in this behalf.

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13 & 14 VICTORIÆ. Cap. XXVI.

An Act *to repeal an Act of the Sixth Year of King George the Fourth, for encouraging the Capture or Destruction of Piratical Ships and Vessels; and to make other Provisions in lieu thereof.*

[25*th June*, 1850.]

The first section repeals 6 Geo. 4, cap. 49, from the 1st June then next ensuing.

Jurisdiction given to the High Court of Admiralty and all Vice-Admiralty Courts.

II. And be it enacted, that whenever any of her Majesty's ships or vessels of war, or hired armed vessels, or any of the ships or vessels of war of the East-India Company, or their boats, or any of the officers and crews thereof, shall, after the said first day of June, attack or be engaged with any persons alleged to be pirates afloat or ashore, it shall be lawful for the High Court of Admiralty of England, and for all Courts of Vice-Admiralty in any dominions of her Majesty beyond the seas, including those Courts of Vice-Admiralty within the territories under the Government of the East-India Company, to take cognizance of and to determine whether the persons or any of them so attacked or engaged were pirates, and to adjudge what was the total number of pirates so engaged or attacked, specifying the number of pirates captured, and what were the vessels and boats engaged.

List or return of all cases to be sent to the Lords Commissioners of the Admiralty.

III. And be it enacted, that with a view to the assignment of fitting rewards for services performed by her Majesty's forces against pirates, the registrars of the several Vice-Admiralty Courts shall, on the first day of January and first day of July in every year, transmit to the said Lords Commissioners of the Admiralty a list or return of all cases which shall have been adjudged in the said Courts respectively under this Act during the six months preceding, together with the dates of the seizure, according to the schedule marked (A.) to this Act annexed; and that the judges or registrars of the said Courts respectively shall, upon the first convenient opportunity after every such decision, transmit the whole of the original evidence, with a statement of the proceedings, to the said Lords Commissioners of the Admiralty, for the purpose of the same being deposited in the High Court of Admiralty of England for reference when necessary; and all agents of officers and men receiving any rewards hereinbefore referred to shall be subject to the same laws, rules, and regulations to which agents receiving bounty for the abolition of the slave trade are or may be subject.

IV. And be it enacted, that, with a view to the assignment of fitting rewards by the Court of Directors of the East-India Company for services performed by the ships or vessels of the said Company against pirates, in all cases wherein any ships or vessels of war belonging to the said Company shall be engaged in any operations against pirates, the registrar of the said Vice-Admiralty Courts shall, on the days aforesaid, transmit to the said Court of Directors a similar list or return of all such cases which shall have been adjudicated in the said Courts respectively under this Act.

Rewards for services against pirates by vessels in the East-India Company's service.

V. And be it enacted, that all ships, vessels, boats, goods, merchandize, specie, or other property taken possession of from pirates by any of her Majesty's ships or vessels of war, or hired armed vessels, or the ships or vessels of war of the East-India Company, or their boats, or any of the officers and crews thereof, shall and may be proceeded against in any of the Admiralty Courts before mentioned, and be subject and liable to condemnation as droits and perquisites of her Majesty in her office of Admiralty: provided always, that if any part of the said property shall be duly proved to have belonged to and to have been taken from any of her Majesty's subjects, or from the subjects of any foreign power, then such property and every part thereof shall, by the decree of the said Court, be adjudged to be restored, and shall be accordingly restored to the former owner or owners, proprietor or proprietors thereof respectively, he or they paying for or in lieu of salvage a sum of money equal to one eighth part of the true value, which money, if such property shall have been taken by any of her Majesty's ships or vessels of war or hired armed ships, or their boats, shall be paid to and divided and distributed amongst the officers and crews thereof, in such manner, form, and proportion, as other bounties are now distributable by virtue of her Majesty's proclamation or order in Council dated the thirtieth day of July, one thousand eight hundred and forty-nine, or as her Majesty, her heirs and successors, shall from time to time by any further proclamation or order or orders in Council think fit to declare and direct; and which money, if such property shall have been taken by any of the ships or vessels of war of the East-India Company, or their boats, shall be paid to and divided and distributed amongst the officers and crews thereof, in such manner, form, and proportion as the Court of Directors of the East-India Company shall at any time or from time to time direct; but if such property shall have been a joint capture by any of her Majesty's ships or vessels of war, or hired armed ships, or their boats, and any of the ships or vessels of war of the said Company, or their boats, then such money in lieu of salvage shall be divided and distributed amongst the joint captors in such manner, form, and proportion as the Lord High Admiral of the United Kingdom of Great Britain and Ireland, or the Commissioners for executing the office of Lord High Admiral of the United Kingdom, shall at any time or times order and direct.

Property of her Majesty's subjects found in possession of pirates to be restored on payment of one-eighth of value.

Section 6 subjects persons giving false evidence in any proceeding under this Act to the pains and penalties of perjury, for which offence they may be tried in the place where committed, or in any British colony or settlement having a court of competent jurisdiction, or in the Court of Queen's Bench. Section 7 rendered the Act liable to amendment or repeal during the session in which it was passed. A schedule follows, illustrating section 3.

13 & 14 VICTORIÆ. Cap. XXVII.

An Act *to provide for the Commencement of an Act of the present Session, intituled "An Act to repeal an Act of the Sixth Year of "King George the Fourth, for encouraging the Capture or Destruc- "tion of Piratical Ships and Vessels, and to make other Provisions "in lieu thereof."* [*15th July*, 1850.]

In consequence of delay in passing the last Act (cap. 26), it did not receive the royal assent until after the date fixed for its commencement. The first section of the present Act remedies this defect by providing that the former Act shall take effect from the 1st June, 1850, as intended, instead of the 1st June, 1851, to which date without the supplementary Act its commencement would have been postponed. The second section allows repeal or amendment during the current session.

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13 & 14 VICTORIÆ. Cap. LX.

An Act *to consolidate and amend the Laws relating to the Conveyance and Transfer of Real and Personal Property vested in Mortgagees and Trustees.* [*5th August*, 1850.]

This Act contains various provisions relating to changes of trusts. The following section is the only one requiring insertion.

Effect of an order vesting the legal right to transfer stock.

XXVI. And be it enacted, that where any order shall have been made under any of the provisions of this Act vesting the right to any stock in any person or persons appointed by the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, such legal right shall vest accordingly, and thereupon the person or persons so appointed are hereby authorized and empowered to execute all deeds and powers of attorney, and to perform all acts relating to the transfer of such stock into his or their own name or names or otherwise, or relating to the receipt of the dividends thereof, to the extent and in conformity with the terms of such order; and the Bank of England, and all companies and associations whatever, and all persons, shall be equally bound and compellable to comply with the requisitions of such person or persons so appointed as aforesaid, to the extent and in conformity with the terms of such order as the said Bank of England, or such companies, associations, or persons, would have been bound and compellable to comply with the requisitions of the person in whose place such appointment shall have been made, and shall be equally indemnified in complying with

the requisition of such person or persons so appointed as they would have been indemnified in complying with the requisition of the person in whose place such appointment shall have been made; and after notice in writing of any such order of the Lord Chancellor, intrusted as aforesaid, or of the Court of Chancery, concerning any stock, shall have been given, it shall not be lawful for the Bank of England, or any company or association whatever, or any person having received such notice, to act upon the requisition of the person in whose place an appointment shall have been made in any matter whatever relating to the transfer of such stock, or the payment of the dividends or produce thereof.

See also 15 & 16 Vict. cap. 55.

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14 & 15 VICTORIÆ. Cap. XL.

An Act *for Marriages in India.* [24*th July*, 1851.]

Whereas it is expedient to amend the law of marriages in India: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Marriage of Christians in India may be solemnized under this Act.

Notice of intended marriage to be given to the marriage registrar for the district.

I. In every case of marriage intended to be solemnized in India after the commencement of this Act, where one or both of the parties is or are a person or persons professing the Christian religion, such marriage may be solemnized under the provisions of this Act; and where such marriage is intended to be so solemnized, one of the parties shall give notice in writing to the marriage registrar to be appointed under the provisions of this Act for the district within which the parties shall have dwelt for such period then next preceding as by such laws or regulations as hereinafter mentioned may be required, or, if the parties dwell in the districts of different marriage registrars, shall give the like notice to the marriage registrar for each district; and every such notice shall be in such form and contain such particulars as may be prescribed by such laws or regulations, and shall be open for inspection and published as by such laws or regulations may be provided.

Certificate of notice to be issued on request.

II. The marriage registrar, upon being requested so to do by or on behalf of the party by whom the notice was given, and one of the parties intending marriage having made oath or declaration as hereinafter required, shall issue under his hand a certificate of such notice having been given, and of such oath or declaration having been made; provided no lawful impediment according to the law of England be shown to the satisfaction of the marriage registrar why such certificate should not issue, and the issue of such certificate have not been sooner forbidden, in manner hereinafter mentioned, by any person or persons by this Act authorized in that behalf: provided always, that where by such oath or declaration it appears that one of the parties intending marriage (not being a widower or widow) is under twenty-one years of age, the marriage registrar shall not issue such certificate until the expiration of such period after the giving of such notice as may be in this behalf provided by such laws or regulations as hereinafter mentioned.

Proviso.

Who to give consent if parties under age.

III. The father, if living, of any party under twenty-one years of age, such party not being a widower or widow, or, if the father be dead, the guardian or guardians of the person of the party so under age lawfully appointed, or one of them, and in case there be no such guardian, then the mother of such party, if unmarried, shall have authority to give consent to the marriage of such party; and such consent is hereby required for the marriage of such party so under age, unless there be no person authorized to give such consent resident in India.

Issue of registrar's certificate may be forbidden.

IV. Every person whose consent to a marriage is required as aforesaid is hereby authorized to forbid, in such manner as may be provided by such laws or regulations as hereinafter mentioned, the issue of the marriage registrar's certificate; and in case the issue of any such certificate be so forbidden the notice and all proceedings thereupon shall be utterly void: provided always, that (subject to such laws and regulations) if either of the parties intending marriage allege that the person forbidding the issue of such certificate is not authorized by law so to do, the marriage registrar shall examine into such allegation, and if he be satisfied that such person is not authorized as aforesaid, shall act in like manner, and the like proceedings may be had under this Act in relation to such marriage, as if the issue of such certificate had not been forbidden by such person.

Supreme Court or judge of the zillah or district may relieve where consent improperly withheld.

V. If any person whose consent is necessary to any marriage under this Act shall be *non compos mentis*, or if any such person (other than the father) shall, without just cause, withhold his or her consent to a marriage, the parties intending marriage may apply by petition, where the person whose consent is necessary is resident within any of the towns of Calcutta, Madras, and Bombay, to the Supreme Court of Judicature established by Royal Charter in the presidency or place in which such person is resident, or if such person be not resident within any of the said towns, then to the judge of the zillah or like district within which such person is resident, or to such other person as may for this purpose be appointed under the laws or regulations hereinafter mentioned; and the said Supreme Court or any judge thereof or such judge of the zillah or district, or such other person, shall be empowered to examine the allegations of the petition in a summary way; and if upon such examination such marriage appear proper, such Supreme Court or any judge thereof, or such judge of the zillah or district, or such other person, shall declare the same to be so, and such declaration shall be as good and effectual as if the person whose consent was needed had consented to the marriage; and in case such person has forbidden the issue of the marriage registrar's certificate, such certificate shall be issued, and the like proceedings may be had under this Act in relation to the marriage, as if the issue of such certificate had not been forbidden by such person, any thing hereinbefore contained to the contrary notwithstanding.

Oath or declaration to be made before issue of certificate.

VI. Before any such certificate as aforesaid shall be issued by any marriage registrar, one of the parties intending marriage shall appear personally before such marriage registrar, and shall make oath, or shall make his or her solemn declaration instead of an oath, that he or she believeth that there is not any impediment of kindred or affinity or other lawful hindrance to the said marriage, and that both the parties to the intended marriage have, or (where the parties have dwelt in the districts of different marriage registrars) that the party making such oath or declaration hath, for the period required by such laws or regulations as are hereinafter mentioned, had their, his, or her usual place of abode within the district of such marriage registrar, and where either or each of the parties, not being a widower or widow, is under the age of twenty-one years, that the consent of the person or persons whose consent to such marriage is required by law has been obtained thereto, or that there is no person resident

within the territories under the Government of the East-India Company having authority to give such consent, as the case may be: provided always, that where under the foregoing provision the said Supreme Court or a judge thereof, or such judge of the zillah or like district, or such other person as aforesaid, declares the marriage to be proper, it shall not be necessary to make oath or declare that such consent has been obtained to such marriage.

VII. Any person may, in manner provided by such laws or regulations, enter a protest with the marriage registrar against the issue of a certificate for the marriage of any person named therein; and if any protest be so entered, no certificate shall issue until the marriage registrar shall have examined into the matter of the protest, and is satisfied that it ought not to obstruct the issue of the certificate for the said marriage, or until the protest be withdrawn by the party who entered the same.

Protest against issue of certificate may be entered.

VIII. In all cases whatsoever where the marriage registrar has refused such certificate as aforesaid, it shall be lawful for either of the parties intending marriage to apply by petition, where the district of such registrar is within any of the towns of Calcutta, Madras, and Bombay, to the Supreme Court of Judicature established by Royal Charter in the presidency or place within which such district is comprised, or if such district be not within any of the said towns then to the judge of the zillah or like district within which the same is comprised, or to such other person as may for this purpose be appointed by the laws or regulations hereinafter mentioned; and the said Supreme Court or any judge thereof, or such judge of the zillah or like district, or such other person, shall be empowered to examine the allegations of the petition in a summary way, and shall decide thereon; and the decision of such Supreme Court or a judge thereof, or of such judge of the zillah or like district, or of such other person, shall be final, and the marriage registrar to whom the application was originally made shall proceed in accordance therewith, anything hereinbefore contained notwithstanding.

Appeal where registrar refuses certificate.

IX. After the issue of the certificate of the marriage registrar, or, where notice is required to be given under this Act to the marriage registrars for different districts, after the issue of the certificates of the marriage registrars for such districts, marriage may be solemnized between and by the parties described in such certificate or certificates, according to such form and ceremony as they may see fit to adopt; provided nevertheless, that every such marriage shall be solemnized between such hours as shall be fixed by the laws or regulations hereinafter mentioned, in the presence of some marriage registrar, to whom shall be delivered such certificate or certificates as aforesaid, and of two or more witnesses; provided also, that in some part of the ceremony each of the parties shall declare,

After issue of certificate, marriage may be solemnized in the presence of marriage-registrar and two witnesses.

> " I do solemnly declare, that I know not of any lawful impediment why I, *A.B.*, may
> " not be joined in matrimony to *C.D.*;" or shall declare to the like effect.

And each of the parties shall say to the other,

> " I call upon these persons here present to witness, that I, *A.B.*, do take thee, *C.D.*,
> " to be my lawful wedded wife [*or* husband];" or words to the like effect.

Provided also, that there be no lawful impediment to the marriage of such parties.

X. Whenever a marriage is not had within three calendar months after the notice shall have been so entered by the marriage registrar, the notice and the certificate which may have been issued thereupon, and all other proceedings thereupon, shall be utterly void; and no person shall proceed to solemnize the marriage, nor shall any marriage registrar register the

When marriage is not had within three months after notice, a new notice required.

same, until new notice shall have been given, and entry made, and certificate thereof given, at the time and in the manner aforesaid.

Marriages to be registered.

XI. After the solemnization of any marriage under this Act the marriage registrar present at the solemnization thereof shall forthwith register such marriage in duplicate, that is to say, in a marriage register book according to the form of schedule to this Act annexed, and also in a certificate attached to the marriage register book, as a counterfoil; and the entry of such marriage in both the certificate and the marriage register book shall be signed by the person by or before whom the marriage has been solemnized, if there be any such person, and by the marriage registrar present at such marriage, whether or not the marriage is solemnized by him, and also by the parties married, and attested by two witnesses; and every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the marriage register book.

Certificates of marriages to be transmitted periodically to the secretary of the Government, &c.

XII. The marriage registrar shall forthwith separate the certificate from the marriage register book, and transmit it, at the end of every month, to the secretary to the Government of the presidency or place within which he resides, or to such other officer as may for this purpose be appointed under the laws or regulations hereinafter mentioned; and if no marriage have been registered during such month, the marriage registrar shall certify such fact under his hand, and such certificate shall be transmitted as aforesaid; and the marriage registrar shall keep safely the said register book until it be filled, and shall then transmit the same to the secretary to the Government, or to such other officer as aforesaid, to be kept by him with the records of his office; provided that with regard to those marriages so certified, of which it may appear to the Governor-General in Council desirable that evidence should be transmitted to England, the secretary to the Government, or such other officer as aforesaid, shall, at the end of every three calendar months in each year, send all the certificates of marriage sent to him as aforesaid during such three months, signed by him, to the secretary of the East-India Company, for the purpose of being delivered to the Registrar-General of births, deaths, and marriages in England.

Proof of residence of parties or consent not necessary to establish marriage.

XIII. After any marriage has been solemnized under this Act, it shall not be necessary, in support of such marriage, to give any proof in respect of the dwelling of the parties, or of the consent of any person whose consent thereunto is required by law, nor shall any evidence be given to prove the contrary, in any suit touching the validity of such marriage.

Registrar may ask certain particulars of parties.

XIV. It shall be lawful for the marriage registrar before whom any marriage is solemnized according to the provisions of this Act to ask of the parties to be married the several particulars required to be registered touching such marriage.

Persons vexatiously entering protests liable to costs and damages.

XV. Every person who shall enter a protest with the marriage registrar against the issue of any certificate on grounds which such marriage registrar, or the Supreme Court of the presidency or place, or any judge thereof, or the judge of the zillah or like district, or other person to whom upon the refusal of such certificate an application is authorized by this Act, declares to be frivolous, and such as ought not to obstruct the issue of the certificate, shall be liable for the costs of all proceedings in relation thereto, and for damages, to be recovered by suit by the party against whose marriage such protest was entered.

Punishment of persons making false oath or declaration.

XVI. Every person who shall knowingly and wilfully make any false oath or false declaration, or sign any false notice or certificate, required by this Act, or by any such laws or regulations as hereinafter mentioned, for the purpose of procuring any marriage, and

every person who shall forbid the issue of any marriage registrar's certificate by falsely representing himself or herself to be a person whose consent to such marriage is required by law, knowing such representation to be false, shall, on conviction, be liable to be punished in such manner as by such laws or regulations may be provided.

XVII. Every prosecution under this Act shall be commenced within such time after the offence committed as by such laws or regulations may be provided.

Limitation of prosecution.

XVIII. The Government of each presidency or place in India may appoint marriage registrars for the purposes of this Act, and may assign districts to the registrars so to be appointed; and in respect of any places within the territories of any native prince or state in alliance with the East-India Company, the Governor-General of India in Council may appoint such marriage registrars and assign to them districts.

Government of each presidency may appoint marriage registrars, &c. Governor-General may appoint in certain cases.

XIX. The Government of each such presidency and place may from time to time appoint reasonable fees to be taken of the parties intending marriage, for receiving and publishing notices of marriage, and for issuing certificates, entering protests, and registering marriages, under this Act; and all such fees shall be accounted for and paid over by the marriage registrars to the Government treasury, and the Government shall provide all necessary books and papers for giving effect to the provisions of this Act.

Government of each presidency may appoint fees to be taken under this Act, to be accounted for by marriage registrars.

XX. It shall be lawful for the Governor-General of India in Council from time to time, by laws and regulations (not inconsistent with the provisions of this Act) to be made in the manner and subject to the provisions by law required in respect of laws and regulations made by the said Governor-General in Council, to provide for the inspection and publication of notices of marriage given under this Act, for the custody and protection from injury of marriage register books, for appeals from and references in cases of doubt by the marriage registrars in relation to marriages forbidden or protests entered under this Act, for fixing the hours between which marriages may be solemnized under this Act, for appointing the officers to whom certificates are to be transmitted by the marriage registrars, and generally for giving effect to the provisions of this Act.(1)

Governor-General in Council empowered to make laws and regulations for the purposes of this Act.

(1) [This provision has been carried into effect by Act of the Government of India, No. 5 of 1852.]

XXI. Nothing herein contained shall invalidate or affect any marriage which may be solemnized in India by persons in holy orders, or any marriages which may be solemnized under the provisions of the Act of the fifty-eighth year of King George the Third, chapter eighty-four, or any other marriages which under the laws for the time being in force in India might have been there solemnized in case this Act had not been passed: provided that it shall be lawful for the Governor-General of India in Council, from time to time by laws and regulations to be made as aforesaid, to provide for the registration of any marriages solemnized in India by persons in holy orders, or of any marriages there solemnized under the provisions of the said Act of the fifty-eighth year of King George the Third, chapter eighty-four, or of any other marriages there solemnized, of which it may appear to the said Governor-General in Council desirable that evidence should be transmitted to England, and to provide for the care and custody of the registers of such marriages, and for the transmission of certificates thereof to the secretaries of the Governments of the respective presidencies, or to other officers, and for their sending the same to the secretary of the East-India Company,

Marriages may continue to be solemnized as heretofore.

Power to Governor-General in Council to make laws for the registration of marriages not solemnized under this Act.

for the purpose of being delivered to the Registrar-General of births, deaths, and marriages in England, and also to provide for the authentication of such certificates.

Certificates delivered to Registrar - General under this Act, or under aoy laws or regulations made thereunder, to be subject to the provisions of 6 & 7 W. 4, c. 86.

XXII. The certificates which shall be delivered to the Registrar-General of births, deaths, and marriages in England, under this Act, or under any laws or regulations to be made thereunder, shall be kept in the general register office, in the same manner, and indexes thereof shall be made and searches permitted, and copies thereof, sealed or stamped with the seal of the general register office, shall be given, in the like manner as by the Act of the session holden in the sixth and seventh years of King William the Fourth, chapter eighty-six, is provided concerning the certified copies (kept in such office under the said Act) of the registers of births, deaths, and marriages in England; and every certified copy, purporting to be sealed or stamped with the seal of the said general register office, of any such certificate delivered to the said Registrar-General under this Act, or under such laws or regulations, shall be received as evidence of the marriage to which the same relates, without further proof of such certificate, or of any entry therein.

Marriages under this Act valid.

XXIII. All marriages solemnized under this Act shall be good and valid in law to all intents and purposes.

Certain marriages in Iodia confirmed.

XXIV. And whereas it is expedient to remove all doubt concerning the validity of marriages heretofore solemnized in India by persons not in holy orders: all such marriages, if not otherwise invalid, shall be deemed and held to be valid in law to all intents and purposes.

Interpretation of "India."

XXV. In the construction of this Act the word "India" shall include all territories for the time being under the Government of the East-India Company, and all territories of any native princes or states in alliance with the said Company.

Commencement of Act.

XXVI. This Act shall, so far as respects the authority to make such appointments, laws, and regulations as are herein authorized to be made, commence and take effect from and after the passing thereof, and as to all other matters and things commence and take effect from and after the first day of January, one thousand eight hundred and fifty-two, or such other day as the Governor-General of India shall direct.

Publication of Act.

XXVII. The Governor-General of India, and the Governors of the several presidencies in India, shall cause this Act to be published three times in each of the Government Gazettes of the several presidencies, the first of such publications to be made within six weeks after this Act shall have been received in such respective presidencies.

The schedule referred to in section 11 is omitted as unnecessary.

14 & 15 VICTORIÆ. Cap. LXXXI.

An Act *to authorize the Removal from India of Insane Persons charged with Offences, and to give better Effect to Inquisitions of Lunacy taken in India.* [*7th August*, 1851.]

Whereas it is expedient to make provision for the several purposes hereinafter mentioned: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to remove from India to the United Kingdom persons of European birth found guilty of crimes and offences, and acquitted on the ground of insanity.

I. That if any person shall have been or shall hereafter be indicted for or charged with any crime or offence in any Court in India, and shall have been or shall hereafter be acquitted of or not be tried for such crime or offence on the ground of his being found to be of unsound mind, and shall by reason of the premises be lawfully in custody in India, it shall be lawful for the person or persons administering the Government of the presidency in which such person shall be so in custody to order such person to be removed from India to any part of the United Kingdom, there to abide the order of her Majesty concerning his or her safe custody, and to give such directions for enabling such order to be carried into effect as may be deemed fit and proper.

Order of Government of India to be a sufficient warrant and authority for the purpose of removal.

II. That the orders and directions of the said Government of any of the said presidencies for the removal of any person under the provisions of this Act shall be a sufficient warrant and authority to all commanders of vessels, and others, to whom the care and custody of any such person shall be committed, for the removal of such person from India to the United Kingdom in conformity with such directions, and for his detention in custody there until an order shall be made by her Majesty as hereinafter is mentioned; and that upon the arrival of any such person in the United Kingdom it shall be lawful for her Majesty to give such order for the safe custody of such person during her pleasure in such place and in such manner as to her Majesty shall seem fit, in like manner as if such person had been indicted for an offence and found insane, and were thereby subject to the provisions of the Act passed in the thirty-ninth and fortieth year of his late Majesty King George the Third, intituled, "An Act for the safe Custody of Insane Persons charged with Offences."

Expenses of removal to be defrayed by East-India Company, and charged upon the revenues of India.

III. That all expenses attending the removal from India and the safe custody and maintenance in Great Britain or Ireland of all such persons as aforesaid shall be borne and defrayed by the East-India Company, who are hereby authorized to charge the amount of such expenses upon the revenues of the Government of India.

The amount of all expenses incurred by the East-India Company to be a debt due from the lunatic, and be secured by a judgment in England and Ireland, and by decree of registration in Scotland.

IV. That the amount of all expenses incurred by the East-India Company in respect of the removal and custody of any such person as aforesaid shall be a debt from such person to the East-India Company; and that for securing the payment thereof the East-India Company shall be entitled to enter up against such person as of the date of the order for removal from India any judgment in England or Ireland in an amount sufficient to secure the payment of all expenses incurred and to be incurred in respect of the matters aforesaid, and the costs of ascertaining the same as after mentioned; and on production at the office in Edinburgh for the registration of writs in the books of council and session of a copy of any order of

the Court of Directors directing such judgment to be entered up, certified by the secretary of the said Company, such order shall be registered in the said books in like manner as a bond executed according to the law of Scotland with a clause of registration, and decree shall be interponed thereon which shall have the like effect as if such person had executed such bond, but without prejudice to the provisions herein contained for ascertaining the sum actually due; and that upon application to be from time to time made to the Lord Chancellor of Great Britain in England or Chancellor in Ireland, being intrusted with the care of persons of unsound mind, or the Court of Session in Scotland, the amount of such expenses reasonably and properly incurred shall be ascertained by a reference to one of the Masters of the Court of Chancery, or by a remit to the Accountant of the Court of Session, or otherwise, in such manner as the person or persons to whom such application shall be made shall direct; and the East-India Company shall be entitled from time to time to recover payment of the amount so ascertained, and the costs of ascertaining the same, by proceeding on the judgment in England or Ireland, and registered order and decree in Scotland, and enforcing the same against the property but not against the person of the debtor, in the same manner as if such judgment had at the date of the said order of removal been recovered against the debtor when of sound mind, and had been entered up at the date of such order, or as if such bond had been granted by the debtor when of sound mind at the date of such order, and had been duly registered in the books of council and session, and a decree of the Court of Session interponed thereto.

Lunatics and idiots may be removed from India by orders of the Supreme Courts at the several presidencies.

V. That in all cases where a guardian, keeper, or curator of the person and estate of any idiot, lunatic, or person of unsound mind shall have been or shall be appointed by the Supreme Court of judicature at any of the presidencies of India, it shall be lawful for such Supreme Court to declare that such person ought to be removed from India to any part of the United Kingdom, and thereupon to make such further or other order or orders authorizing or directing his removal, and touching his safe custody and maintenance, as to such Supreme Court shall seem fit and proper: provided always, that in every such case a transcript of the proceedings in the matter of the idiotcy or lunacy of such person shall, under the provisions hereinafter contained, be transmitted to that part of the United Kingdom to which such person shall be removed.

Transcript of all inquisitions and orders to be transmitted and entered of record, and to be acted upon in the United Kingdom as if the inquisitions had been taken in the United Kingdom.

VI. That in all cases where a guardian, keeper, or curator of the person and estate of any idiot, lunatic, or person of unsound mind shall have been or shall be appointed by any of the Supreme Courts in India as aforesaid, it shall be lawful for the proper officer of the said Supreme Court by the order of such Court to transmit a transcript, under the hand and seal of the chief justice or senior judge of such Supreme Court, of the proceedings by which the idiotcy, lunacy, or unsoundness of mind shall have been found, and by which such guardian, keeper, or curator shall have been appointed, to the Chancery in England and the Court of Session in Scotland and the Chancery of Ireland respectively, as the case may require, and that such transcript, when so received, shall be entered as of record in the Court or Courts to which the same shall be transmitted; and that in the case of any supersedeas of any such proceedings the same shall be certified and transmitted and recorded in like manner; and that the record of any such proceedings or of any such supersedeas as aforesaid shall, in case and so long and so far as the Lord Chancellor of Great Britain or other persons intrusted as aforesaid, or the Court of Session in Scotland, or the Chancellor of Ireland intrusted as aforesaid, (as the case may require,) shall respectively see fit, be acted upon by him and them respectively, and be of the same force and validity, and have the same force and effect, as if such proceedings or supersedeas, or proceedings or a supersedeas to the like effect, had taken place in

England, Scotland, or Ireland respectively; and it shall be lawful for the Lord Chancellor or other persons intrusted as aforesaid, the Court of Session in Scotland, and the Chancellor of Ireland intrusted as aforesaid respectively, from time to time to make and give all such orders or directions by appointing any committee or committees, curator or curators, or otherwise, as may appear necessary or proper for securing proper care and protection to the person and estate of such idiot, lunatic, or person of unsound mind.

VII. That the powers and authorities given by this Act to the Lord Chancellor of Great Britain or other persons intrusted as aforesaid shall and may be exercised in like manner by and are hereby given to the Lord Keeper or Commissioners of the Great Seal of Great Britain, or any other person or persons for the time being intrusted as aforesaid, and the powers and authorities given by this Act to the Lord Chancellor of Ireland intrusted as aforesaid shall and may be exercised in like manner by and are hereby given to the Lord Keeper or Commissioners of the Great Seal of Ireland, or any other person or persons for the time being intrusted as aforesaid.

Powers given to the Lord Chancellor to extend to Lord Keeper and Commissioners of the Great Seal.

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15 & 16 VICTORIÆ. Cap. XXVI.

An Act *to enable her Majesty to carry into effect Arrangements made with Foreign Powers for the Apprehension of Seamen who desert from their Ships.* [*17th June*, 1852.]

Whereas arrangements have been made with certain foreign powers for the recovery of seamen deserting from the ships of such powers when in British ports, and for the recovery of seamen deserting from British ships when in the ports of such powers: and whereas it is expedient to enable her Majesty to carry such arrangements into effect, and likewise to enable her Majesty to carry into effect any similar arrangements of a like nature which may be made hereafter: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. Whenever it is made to appear to her Majesty that due facilities are or will be given for recovering and apprehending seamen who desert from British merchant ships in the territories of any foreign power, her Majesty may, by order in Council stating that such facilities are or will be given, declare that seamen, not being slaves, who desert from merchant ships belonging to a subject of such power, when within her Majesty's dominions or the territories of the East-India Company, shall be liable to be apprehended and carried on board their respective ships, and may limit the operation of such order, and may render the operation thereof subject to such conditions and qualifications, if any, as may be deemed expedient.

Her Majesty may by order in Council declare that deserters from ships of foreign powers may be apprehended and given up.

II. Upon such publication as hereinafter mentioned of any such order in Council, then, during such time as the same remains in force, and subject to such limitations and qualifications, if any, as may be therein contained, every justice of the peace or other officer having jurisdiction in the case of seamen who desert from British merchant ships in her Majesty's dominions or in the territories of the East-India Company shall, on application being made

Upon publication of order in Council, justices shall aid in recovering deserters from the ships of foreign powers, and may apprehend them, and send them on board.

by a consul of the foreign power to which such order in Council relates, or his deputy or representative, aid in apprehending any seaman or apprentice who deserts from any merchant ship belonging to a subject of such power, and may for that purpose, upon complaint on oath duly made, issue his warrant for the apprehension of any such deserter, and, upon due proof of the desertion, order him to be conveyed on board the vessel to which he belongs, or to be delivered to the master or mate of such vessel, or to the owner of such vessel or his agent, to be so conveyed; and thereupon it shall be lawful for the person ordered to convey such deserter, or for the master or mate of such vessel, or the owner or his agent, (as the case may require,) to convey him on board accordingly.

Penalty on persons harbouring such deserters.

III. If any person protects or harbours any deserter who is liable to be apprehended under this Act, knowing or having reason to believe that he has deserted, such person shall for every offence be liable to a penalty not exceeding ten pounds, and every such penalty shall be recovered, paid, and applied in the same manner as penalties for harbouring or protecting deserters from British merchant ships.

Orders to be published in the *London Gazette*.

IV. Every order in Council to be made under the authority of this Act shall be published in the *London Gazette* as soon as may be after the making thereof.

Orders may be revoked or altered.

V. Her Majesty may by order in Council from time to time revoke or alter any order in Council previously made under the authority of this Act.

Short title.

VI. This Act may be cited as the "Foreign Deserters Act, 1852."

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15 & 16 VICTORIÆ. Cap. XLIV.

An Act *to amend and consolidate the Laws relating to the Carriage of Passengers by Sea.* [30*th June*, 1852.]

The following sections only of this Act require insertion in this volume.

To what vessels and voyages this Act shall extend.

IV. This Act shall extend to every "passenger ship" proceeding on any voyage from the United Kingdom to any place out of Europe and not being within the Mediterranean Sea, and on every colonial voyage as hereinafter described, but shall not extend to any of her Majesty's ships of war, nor to any ships in the service of the Commissioners for executing the office of Lord High Admiral of the United Kingdom, nor to any ship of war or transport in the service of the East-India Company, nor to any steam vessel carrying the royal mails or carrying mails under contract with the Government of the country to which such steam vessel may belong.

Her Majesty may, by orders in Council, prescribe rules for preserving order, &c., in vessels bound to the colonies.

LV. It shall be lawful for her Majesty and her successors, by any order in Council to be by her or them made, with the advice of the Privy Council, to prescribe such rules and regulations as to her Majesty or her successors may seem fit, for preserving order, for promoting health, and for securing cleanliness and ventilation, on board of "passenger ships"

proceeding from the United Kingdom to any port or place in her Majesty's possessions abroad, and the said rules and regulations from time to time in like manner to alter, amend, and revoke, as occasion may require; and any copy of such order in Council contained in the *London Gazette*, or purporting to be printed by the Queen's printer, shall throughout her Majesty's dominions be received in all legal proceedings as good and sufficient evidence of the making and contents of any such order in Council.

Gazette and copies printed by Queen's printer to be evidence of orders, &c.

LXXXIII. And whereas it is expedient to provide in certain cases for the carriage of passengers by sea from her Majesty's possessions abroad: be it therefore enacted as follows: for the purposes of this Act the term "colonial voyage" shall signify any voyage from any port or place within any of such possessions (except the territories under the Government of the East-India Company) to any port or place whatever, of which the duration, to be prescribed as hereinafter mentioned, shall exceed three days.

Colonial voyages defined.

LXXXVII. This Act shall not apply to any of the territories or places under the Government of the East-India Company: it shall, however, be lawful for the Governor-General of India in Council, from time to time by any Act or Acts to be passed for that purpose, to declare that this Act or any part thereof shall apply to the carriage of passengers upon any voyage from any ports or places within such territories, to be specified in such Act or Acts, to any other places whatsoever, to be also specified in such Act or Acts; and also in like manner to authorize the substitution, as respects such voyages, of other articles of food and provisions for those hereinbefore enumerated; and to declare the rule of computation by which the length of any such voyage shall be estimated; and to determine the persons or officers who in such territories shall be entitled to exercise or perform the powers, functions, or duties hereinbefore given to or imposed upon the emigration officers and officers of customs in the United Kingdom; and to authorize the employment on board any ship of a medical practitioner duly qualified by law to practise as a physician, surgeon, or apothecary within such territories; and to declare for the purposes of this Act the space necessary for passengers, and the age at which two children shall be considered equal to one statute adult, in ships that may clear out from any port or place within such territories; and also to declare in what manner and before what authorities, and by what form of proceedings, the penalties imposed and the sums of money made recoverable by this Act, shall be sued for and recovered within such territories, and to what uses such penalties shall be applied: and on the passing of such Indian Act or Acts, and whilst the same shall remain in force, all such parts of this Act as shall be adopted therein shall apply to and extend to the carriage of passengers upon such voyages as in the said Indian Act or Acts shall be specified; and the same shall be enforced in all her Majesty's possessions in like manner as the provisions of this Act may be enforced: every such Indian Act shall be subject to disallowance and repeal, and shall in the same manner be transmitted to England, to be laid before both houses of Parliament, as in the case of any other law made by the Governor-General in Council.

Power to the Governor-General of India in Council, by any Act to be passed for that purpose, to adopt this Act for India;

and to make rules respecting food, passengers,

and to declare in what manner penalties, &c., may be sued for and recovered.

Indian Act may be enforced in the colonies in like manner as this Act.

15 & 16 VICTORIÆ. Cap. XLVIII.

An Act *for the Amendment of the Law respecting the Property of Lunatics.* [30*th June*, 1852.]

Section 4 of this Act, after reciting part of a former Act *for the regulation and care of lunatics*, 8 *&* 9 *Vict. cap.* 100, *sec.* 95, proceeds:—

Power to receive dividends of stock in lunatic's name.

Every receiver of the estate of such lunatic as aforesaid, already appointed, or who may be hereafter appointed under the powers in the said last-recited Act, shall have full power to demand, and to receive and to give effectual receipts for, the dividends due or to become due of any stock belonging to the lunatic.

Indemnity to Bank of England, &c.

V. This Act shall be and is hereby declared to be a full and complete indemnity and discharge to the Governor and Company of the Bank of England, and all other companies and societies, and their officers and servants, for all acts and things done or permitted to be done pursuant thereto, and such acts and things shall not be questioned or impeached in any Court of Law or Equity to their prejudice or detriment.

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15 & 16 VICTORIÆ. Cap. LII.

An Act *to enable Colonial and other Bishops to perform certain Episcopal Functions, under Commission from Bishops of England and Ireland.* [30*th June*, 1852.]

53 G. 3, c. 155.

Whereas by an Act passed in the fifty-third year of the reign of his Majesty King George the Third, intituled, "An Act for continuing in the East-India Company for a further Term "the Possession of the British Territories in India, with certain exclusive Privileges, for "establishing further Regulations for the Government of the said Territories and the better "Administration of Justice within the same, and for regulating the Trade to and from the "Places within the Limits of the said Company's Charter," it was provided and enacted, that in case it shall please his Majesty, by his Royal Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, to found and constitute one bishopric for the whole of the said British territories in the East-Indies and other parts within the limits of the said Company's Charter, and from time to time to nominate and appoint a bishop to such bishopric, that such bishop shall not have or use any jurisdiction or exercise any episcopal functions whatsoever, either in the East-Indies or elsewhere, but only such jurisdiction and functions as shall or may from time to time be limited to him by his Majesty, by Letters Patent under the Great Seal of the said United Kingdom: and whereas by an Act

passed in the third and fourth years of the reign of his Majesty King William the Fourth, intituled, "An Act for effecting an Arrangement with the East-India Company, and for the "better Government of his Majesty's Indian Territories, till the thirtieth day of April, one "thousand eight hundred and fifty-four," it was provided and enacted, that in case it shall please his Majesty to erect, found, and constitute two bishoprics, one to be styled the bishopric of Madras, and the other the bishopric of Bombay, and from time to time to nominate and appoint bishops to such bishoprics, under the style and title of bishop of Madras and Bombay respectively, that such bishops shall not have or use any jurisdiction or exercise any episcopal functions whatsoever, either in the said territories or elsewhere, but only such jurisdiction and functions as shall and may from time to time be limited to them respectively by his Majesty by his Royal Letters Patent under the Great Seal of the said United Kingdom: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: 3 & 4 W. 4, c. 85.

East-Indian bishops, under commission from bishops in England and Ireland, to perform all episcopal functions.

I. Notwithstanding anything in the said Acts or in any Letters Patent as aforesaid contained, it shall be lawful for any bishop who by virtue of such Royal Letters Patent under the Great Seal of the said United Kingdom shall exercise or have exercised in the British territories aforesaid the office of Bishop of Calcutta, or Madras, or Bombay respectively, upon the request and by the commission in writing under the hand and seal of the bishop of any diocese in England or Ireland, and with the consent and licence in writing of the archbishop of the province within which such diocese shall be situated, to ordain any persons, provided such persons shall be presented to him under the direction and authority of the bishop of such diocese, and to perform all other functions peculiar and appropriate to the order of bishops within the limits of such diocese.

Repeal of certain provisions in 59 G. 3, c. 60, and 3 & 4 Vict. c. 33, so far as they relate to persons admitted into holy orders specially for the colonies, or ordained by colonial bishops.

II. And whereas by an Act passed in the fifty-ninth year of the reign of King George the Third, intituled, "An Act to permit the Archbishops of Canterbury and York and the "Bishop of London for the time being to admit Persons into Holy Orders specially for the "Colonies," it was enacted, "that from and after the passing of this Act no person who shall "have been admitted into holy orders by the Bishops of Quebec, Nova Scotia, or Calcutta, "or by any other bishop or archbishop than those of England and Ireland, shall be capable "of officiating in any church or chapel of England or Ireland, without special permission "from the archbishop of the province in which he proposes to officiate, or of having, holding, "or enjoying or of being admitted to any parsonage or other ecclesiastical preferment in "England or Ireland, or of acting as curate therein, without the consent and approbation of "the archbishop of the province and also of the bishop of the diocese in which any such "parsonage or ecclesiastical preferment or curacy may be situated," and it was provided, "that no person who after the passing of this Act shall have been ordained a deacon or priest "by a colonial bishop, who at the time of such ordination did not actually possess an episcopal "jurisdiction over some diocese, district, or place, or was not actually residing within such "diocese, district, or place, shall be capable in any way or on any pretence whatever, of at "any time holding any parsonage or other ecclesiastical preferment within his Majesty's "dominions, or of being a stipendiary curate or chaplain, or of officiating at any place or in "any manner as a minister of the Established Church of England and Ireland:" and whereas by an Act passed in the third and fourth years of the reign of the Queen's most excellent Majesty, intituled, "An Act to make certain Provisions and Regulations in respect "to the Exercise, within England and Ireland, by the Bishops and Clergy of the Protestant "Episcopal Church in Scotland, and also to extend such Provisions and Regulations to the

"Bishops and Clergy of the Protestant Episcopal Church in the United States of America, "and also to make further Regulations in respect to Bishops and Clergy other than those of "the United Church of England and Ireland," it was enacted, "that no person who has "been or shall be ordained a deacon by any Protestant bishop, other than an archbishop or "bishop of the United Church of England and Ireland, and who shall after the passing of "this Act be ordained a priest by any archbishop or bishop of the United Church of "England and Ireland, shall be thereby enabled, save as in this Act is provided, to exercise "his office within England or Ireland:" be it enacted, and it is hereby enacted, that nothing in the said recited Acts contained shall extend or be held to extend to any person who, in pursuance of such request and commission as aforesaid from the bishop of any diocese in England or Ireland, shall have been or may hereafter be ordained a deacon or priest within the limits of such diocese by any bishop who by virtue of her Majesty's Royal Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, shall exercise or have exercised the office of bishop within the British territories in India, or in any of her Majesty's colonies or foreign possessions, and that all admissions, institutions, and inductions to benefices in the United Church of England and Ireland, and all appointments to act as curates and chaplains therein, of persons so admitted into holy orders by any such bishop, shall, notwithstanding anything in the said recited Acts contained, be to all intents and purposes good and valid in law.

Proviso, subjecting colonial bishops to the laws of the realm and canons ecclesiastical as to the titles, &c., of persons ordained.

III. Provided always, that all and every of such bishops, who, in accordance with the provisions of this Act, shall officiate in behalf of the bishop of any diocese in England or Ireland, in conferring holy orders, shall be subject to the several provisions and limitations established by the laws of this realm, or canons ecclesiastical, as to the titles of the persons to be ordained, and as to the oaths and subscriptions to be by such persons taken and made.

Letters of orders to be signed by the colonial bishop as commissary of the bishop for whom he officiates.

IV. Provided also, that all letters of orders of persons ordained by any such bishop, in accordance with the provisions of this Act, shall be issued in the name and be subscribed with the signature of such bishop, as commissary of the bishop of the diocese at whose request and by whose commission he shall officiate in conferring such orders, and shall be sealed with the seal of the bishop of such diocese; and all such acts of ordination by any such bishop shall be recorded and registered in like manner as if they had been performed by the bishop of such diocese.

Colonial bishop not to have jurisdiction in United Kingdom.

V. Provided always, that nothing in this Act contained shall be construed to authorize any such bishop to use or exercise any jurisdiction whatsoever within the United Kingdom of Great Britain and Ireland.

By 16 & 17 Vict. cap. 49, the powers given by this Act to Indian and colonial bishops in the United Kingdom are extended to foreign and colonial dioceses.

15 & 16 VICTORIÆ. Cap. LV.

An Act *to extend the Provisions of "The Trustee Act, 1850."* [*30th June*, 1852.]

This Act gives to the Court of Chancery various powers in regard to stock held on trust. The following sections alone need be inserted.

VI. When any order being or purporting to be under this Act, or under the Trustee Act, 1850, shall be made by the Lord Chancellor intrusted as aforesaid, or by the Court of Chancery, vesting the right to any stock, or vesting the right to transfer any stock, or vesting the right to call for the transfer of any stock, in any person or persons, in every such case the legal right to transfer such stock shall vest accordingly; and the person or persons so appointed shall be authorized and empowered to execute all deeds and powers of attorney, and to perform all acts relating to the transfer of such stock into his or their own name or names, or otherwise, to the extent and in conformity with the terms of the order; and the Bank of England, and all companies and associations whatever, and all persons, shall be equally bound and compellable to comply with the requisitions of such person or persons so appointed as aforesaid, to the extent and in conformity with the terms of such order, as the said Bank of England, or such companies, associations, or persons would have been bound and compellable to comply with the requisitions of the person in whose place such appointment shall have been made.

Bank of England and companies to comply with such orders.

VII. That every order made or to be made, being or purporting to be made under this or the Trustee Act, 1850, by the Lord Chancellor intrusted as aforesaid, or by the Court of Chancery, and duly passed and entered, shall be a complete indemnity to the Bank of England, and all companies and associations whatsoever, and all persons, for any act done pursuant thereto; and it shall not be necessary for the Bank of England, or such company or association, or person, to inquire concerning the propriety of such order, or whether the Lord Chancellor intrusted as aforesaid, or the Court of Chancery, had jurisdiction to make the same.

Indemnity to Bank and companies so obeying.

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16 & 17 VICTORIÆ. Cap. XVI.

An Act *for carrying into effect the Engagement between Her Majesty and Syed Syf bin Hamood, the Chief of Sohar, in Arabia, for the more effectual Suppression of the Slave Trade.* [*9th May*, 1853.]

Whereas on the twenty-second day of May, in the year of our Lord one thousand eight hundred and forty-nine, an engagement was concluded between Major Hennell, the Resident in the Persian Gulf, on behalf of her Majesty the Queen of the United Kingdom of Great

Britain and Ireland, and Syed Syf bin Hamood, the chief of Sohar, in Arabia, whereby it was agreed as follows:

"I, Syed Syf bin Hamood, chief of Sohar, with a view to strengthen the bonds of "friendship existing between me and the British Government, do hereby engage to pro- "hibit the exportation of slaves from the coasts of Africa, and elsewhere, on board of "my vessels, and those belonging to my subjects or dependants, such prohibition to "take effect from the twenty-ninth Rujab, one thousand two hundred and sixty-five, or "the twenty-first day of June, one thousand eight hundred and forty-nine A.D.

"And I do further consent, that whenever the cruizers of the British Government "fall in with any of my vessels, or those belonging to my subjects or dependants, "suspected of being engaged in the slave trade, they may detain and search them, and "in case of their finding that any of the vessels aforesaid have violated this engagement "by the exportation of slaves from the coasts of Africa, or elsewhere, upon any pretext "whatever, they (the Government cruizers) shall seize and confiscate the same."

And whereas it is expedient that effectual provision should be made for carrying into execution the provisions of the said agreement: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

Power for commanders of ships of war, &c., to visit, &c., vessels belonging to the chief of Sohar, or of his subjects, suspected of being engaged in the slave trade.

I. That it shall be lawful for the commanders and other officers of her Majesty's ships of war, or of the East-India Company, to visit and detain, in any seas, any vessel belonging to Syed Syf bin Hamood, the chief of Sohar, in Arabia, or to any of his subjects or dependants, which shall upon reasonable grounds be suspected of being engaged in the traffic in slaves, or having been fitted out for that purpose, and to send or carry away such vessel, together with its master, sailors, passengers, slaves, and cargo, for the purpose of such vessel being brought to adjudication as hereinafter mentioned.

As to the trial and condemnation of vessels engaged in the slave trade.

II. It shall be lawful for the High Court of Admiralty of England, and for all Courts of Vice-Admiralty in any dominions of her Majesty beyond the seas, including those Courts of Vice-Admiralty within the territories under the Government of the East-India Company, to take cognizance of and try any such vessel which shall be detained or captured for the violation of the said agreement, and to condemn any such vessel to her Majesty, and adjudge as to the slaves found therein, in like manner and under such and the like rules and regulations as are contained in any Act or Acts of Parliament in force in relation to the suppression of the slave trade by British-owned ships, as fully as if all the powers and provisions contained in such Acts were re-enacted in this Act as to such High Court of Admiralty or Courts of Vice-Admiralty.

Persons giving false evidence deemed guilty of perjury.

In case of prosecution in England, venue may be laid in Middlesex.

III. Every person, who shall wilfully and corruptly give false evidence in any examination or deposition had or affidavit taken in any proceeding under the said engagement or this Act, shall be deemed guilty of perjury, and being thereof convicted shall be subject and liable to all the punishments, pains, and penalties to which persons convicted of wilful and corrupt perjury are liable; and every such person may be tried for any such perjury, either in the place where the offence was committed, or in any colony or settlement of her Majesty near thereto in which there is a Court of competent jurisdiction to try any such offence, or in her Majesty's Court of Queen's Bench in England, and that in case of any prosecution for such offence in her Majesty's said Court of Queen's Bench, the venue may be laid in the county of Middlesex.

IV. The pendency of any suit or proceeding instituted for the condemnation or restitution of any ship or cargo, or slaves taken, seized, or detained by virtue of the said agreement, or the final adjudication, condemnation, or judgment or determination thereupon, may be pleaded in bar or given in evidence under the general issue, and shall be deemed in any court whatever to be a complete bar in any action, suit, or proceeding, whether instituted by any person or persons for the recovery of any such ship, vessel, or cargo, or of any damage or for any injury sustained thereby, or by the persons on board the same, in consequence of any capture, seizure, or detention, or anything done under or in pursuance of the provisions of the said agreement.

Pendency of suits to be a bar to any proceedings instituted for the recovery of the vessels detained.

V. Any ship or vessel which shall be condemned as aforesaid may be taken into her Majesty's service, upon payment of such sum as the Lord High Admiral, or the Lords Commissioners of the Admiralty, shall deem a proper price for the same, or if not so taken shall be broken up and demolished, and the materials thereof shall be publicly sold in separate parts, and the proceeds thereof shall be paid to such person or persons as the Commissioners of her Majesty's Treasury may appoint to receive the same.

Vessels condemned to be sold for her Majesty's service or broken up.

VI. Where any ship or vessel employed or engaged in such illicit traffic in slaves, in violation of the said agreement, shall be seized by any ship or vessel belonging to her Majesty or the East-India Company, and afterwards condemned, there shall be paid to the captors the net proceeds to which her Majesty is entitled, the same to be distributed in the manner hereinafter directed for the distribution of bounties on slaves taken on board the said vessels.

Captors of vessels shall, after the same are condemned, be entitled to the proceeds belonging to her Majesty.

VII. There shall be paid to the commanders, officers, and crews of her Majesty's ships, or the commanders, officers, and crews of the ships of the East-India Company, a bounty of five pounds for every man, woman, and child slave seized and found on board any ship or vessel taken and condemned in pursuance of the provisions of the said agreement and of this Act; such bounty to be issued and paid by order from the Commissioners of her Majesty's Treasury, and to be distributed to and amongst the captors aforesaid, in such manner and proportions as her Majesty shall think fit to order, by any order in Council made or to be made, or by any proclamation for that purpose.

Payment of bounty for slaves captured.

VIII. Where any ship or vessel which shall have been seized and condemned under the provisions of the said agreement shall have been or shall be demolished, and the materials thereof publicly sold in separate parts, as well as her cargo, there shall be paid to the commanders, officers, and crews of her Majesty's ships, or of those of the East-India Company, in addition to the amount of the proceeds of such sale as hereinbefore mentioned, a further bounty on the tonnage of such ship or vessel at the rate of thirty shillings for every ton of such tonnage.

Additional bounty on tonnage of slave ships captured and demolished.

IX. Where any ship or vessel, having no slaves on board, shall have been seized and condemned under the provisions of the said agreement, there shall be paid to the commanders, officers, and crews of her Majesty's ships, or those of the East-India Company, an additional bounty upon the tonnage of such ship or vessel at the rate of four pounds for every ton; and the tonnage of all such vessels shall be ascertained according to the mode of ascertaining the admeasurement of British vessels, either by the principal officer of the Customs at the port where the vessel may be at the time of condemnation, or in default thereof by the best evidence which can be obtained: provided always, that in every case in which any ship or vessel shall be seized with slaves on board, in which the bounty calculated upon the number of slaves shall be less than the bounty calculated upon the tonnage, the commanders of her

Where no slaves are on board a ship seized and condemned, an additional bounty on tonnage to be paid.

Majesty's ships, or of those of the East-India Company, making the seizure, may elect to take the bounty calculated according to tonnage, instead of the bounty which would be payable upon the number of slaves on board.

Bounties to be paid out of the Consolidated Fund.

X. All bounties payable under this Act shall be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland to the commanders, officers, and crews of her Majesty's ships, and of the ships of the East-India Company; and such bounties shall be issued and paid by order from the Commissioners of her Majesty's Treasury.

Proof of tonnage.

XI. In order to entitle the captors to receive the said bounty money, the tonnage of the ship or vessel so seized and condemned shall be proved to the Commissioners of her Majesty's Treasury, by producing a copy, duly certified, of the sentence or decree of condemnation, or by such documentary or other evidence as they may deem satisfactory.

Copy of sentence of condemnation to be produced to the Treasury.

XII. In order to entitle the captors to receive the said bounty money on slaves, the number of men, women, and children so taken, delivered over, and condemned shall be proved to the Commissioners of her Majesty's Treasury by producing a copy, duly certified, of the sentence or decree of condemnation, and also a certificate under the hand of the proper officer or officers, military or civil, who may be appointed to receive such slaves.

One moiety of the bounty only to be paid in certain cases.

XIII. Where any slaves, or persons treated as slaves, shall be seized on board any ship or vessel taken and condemned in pursuance of the said agreement and of this Act, but who shall not have been delivered over in consequence of death, sickness, or other inevitable circumstance, it shall be lawful for the said Commissioners of her Majesty's Treasury, if to their discretion it shall seem meet, to direct payment of one moiety of the bounty which would have been due in each case respectively if the said slaves had been delivered over.

Parties claiming benefit under this Act may resort to the Court of Admiralty.

XIV. Any party or parties claiming any benefit by way of bounty under the provisions of this Act, or of any share of the proceeds of any vessel confiscated in pursuance of the provisions of the aforesaid agreement, may resort to the High Court of Admiralty for the purpose of obtaining the judgment of the said Court in that behalf; and that it shall be lawful for the judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any question of joint capture which may arise upon any seizure made in pursuance of this Act, and also to enforce any decrees or sentences of the said Vice-Admiralty Courts relating to any such seizure.

Regulations and penalties respecting prize agents' accounts extended to bounties, &c., under this Act.

XV. All the provisions, rules, regulations, forfeitures, and penalties respecting the delivery by prize agents of accounts for examination, and the distribution of prize money, and the accounting for and paying over the proceeds of prize and the per-centage due thereon to Greenwich Hospital, shall be extended to all bounties and proceeds to be distributed under the provisions of this Act to the officers and crews of any of her Majesty's ships and vessels of war.

Treasury may order payment of costs awarded for vessels detained but not condemned.

XVI. Where any ship or vessel belonging in whole or in part to the before-mentioned chief or his subjects or dependants shall have been detained and brought to adjudication by any officers of her Majesty the Queen of Great Britain and Ireland, or of those of the East-India Company, and the said ship shall be restored by sentence of the Court, it shall be lawful for the Commissioners of her Majesty's Treasury, by warrant, to direct payment to be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland of any costs or damages which may be duly awarded: provided always, that nothing herein contained shall exempt such officer from his liability to make good the payments so made,

when lawfully called upon either by the parties interested therein, or by order of the said Commissioners of her Majesty's Treasury.

XVII. When any seizure shall be made by any of the commanders, officers, and crews of her Majesty's ships, or of those of the East-India Company, and judgment shall be given against the seizor, or when such seizure shall be relinquished by him, it shall be lawful for the said Commissioners of her Majesty's Treasury, if to their discretion it shall seem meet, by warrant, to direct payment to be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland of such costs and expenses as the seizor may have incurred in respect of such seizure, or any proportional part thereof.

Treasury may repay to the seizor of any vessel not condemned the expenses incurred by him.

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16 & 17 VICTORIÆ. Cap. XLIX.

An Act *to extend the Provisions of an Act of the Fifteenth and Sixteenth Years of her present Majesty, intituled, "An Act to "enable Colonial and other Bishops to perform certain Episcopal "Functions, under Commission from Bishops of England and "Ireland."* [*4th August*, 1853.]

Whereas by an Act passed in the fifteenth and sixteenth years of the reign of her present Majesty, intituled, "An Act to enable Colonial and other Bishops to perform certain "Episcopal Functions, under Commission from Bishops of England and Ireland," it is enacted, that all admissions, institutions, and inductions to benefices in the United Church of England and Ireland, and all appointments to act as curates and chaplains therein, of persons admitted into holy orders in pursuance of a request and commission from the bishop of any diocese in England or Ireland, within the limits of his diocese, by any bishop who by virtue of her Majesty's Royal Letters Patent shall exercise or have exercised the office of bishop within the British territories in India, or in any of her Majesty's colonies or foreign possessions, shall be to all intents and purposes good and valid in law, notwithstanding anything contained in two several Acts therein recited, passed respectively in the fifty-ninth year of the reign of his Majesty King George the Third and in the third and fourth years of the reign of her present Majesty: and whereas it is expedient to extend the provisions of the said Act to dioceses in her Majesty's foreign and colonial possessions: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: Notwithstanding anything in the said recited Acts or either of them contained to the contrary, all persons who have been or hereafter shall be ordained deacon or priest by any of the said bishops in or for the diocese of the bishop of any other of her Majesty's foreign or colonial possessions, upon his request in writing, shall be entitled to all the same rights, privileges, and advantages as if he had been ordained by such bishop within the limits of a diocese over which he was at the time himself actually exercising jurisdiction, and residing therein.

15 & 16 Vict. c. 52.

Ordination of persons by colonial bishop other than the bishop of the diocese valid.

16 & 17 VICTORIÆ. Cap. LXX.

An Act *for the Regulation of Proceedings under Commissions of Lunacy, and the Consolidation and Amendment of the Acts respecting Lunatics so found by Inquisition, and their Estates.*
[15*th August*, 1853.]

Section 2 enacts that provisions relating to the Bank of England shall be construed to extend and be applicable to the East-India Company, South-Sea Company, and other companies. Section 64 provides for the committee of the estate of lunatics bringing into court money or stock instead of giving security by bond or recognizance with sureties. Section 140 provides for the transfer of stock standing in the name of a lunatic or in the name of a committee incapable of acting or unwilling to act, or beyond the jurisdiction of the Court, or having died intestate, or it being uncertain whether he be living or dead. Section 141 provides for the exercise of the power of the Lord Chancellor in regard to the transfer of stock or shares in any company standing in the name of a person residing out of England and Wales, and who has been declared idiot, lunatic, or of unsound mind, according to the laws of the place where he is residing. Section 142 enacts that the person named to make such transfer of stock shall be some proper officer of the company or society in whose books it is to be made. Section 143 enacts that such transfers are valid, and section 144 declares that this Act shall be an indemnity to the Bank of England and all other parties for all acts done or permitted to be done pursuant thereto. Section 147 extends the powers of this Act to every part of her Majesty's dominions except Scotland and Ireland. The remaining sections need not be noticed.

16 & 17 VICTORIÆ. Cap. LXXIII.

An Act *for the Establishment of a Body of Naval Coast Volunteers, and for the temporary Transfer to the Navy, in case of need, of Seafaring Men employed in other Public Services.* [15*th August*, 1853.]

Section 18 declares void the enlistment of a volunteer under this Act into the forces of the East-India Company or other force.

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16 & 17 VICTORIÆ. Cap. LXXXIV.

An Act *to amend the Passengers Act*, 1852, *so far as relates to the Passages of Natives of Asia or Africa, and also Passages between the Island of Ceylon and certain Parts of the East-Indies.* [20*th August*, 1853.]

Whereas by the twelfth section of the Passengers Act of 1852 it is provided that no ship shall convey a greater number of passengers, exclusive of *bonâ fide* cabin passengers, than after the rate of one passenger for every fifteen superficial feet of the passenger deck if such ship be intended to pass within the tropics: and whereas it is expedient to enable the governors of her Majesty's possessions abroad to alter this provision in the case of natives of Asia or Africa: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:— 15 & 16 Vict. c. 44.

Governors of her Majesty's possessions abroad may alter rates for the conveyance of passengers prescribed by sect. 12 of Passengers Act, 1852.

I. It shall be lawful for the governors of her Majesty's possessions abroad, if they shall think fit, to declare by proclamation that ships intended to pass within the tropics from any ports within their respective governments may convey passengers, being natives of Asia or Africa, after the rate of one for every twelve superficial feet of the passenger deck instead of one for every fifteen such superficial feet as required by the section aforesaid.

Exempting vessels carrying passengers between certain ports from operation of sect. 12 of Passengers Act, 1852.

II. And whereas it is expedient to exempt from the operation of the whole of the said twelfth section vessels carrying passengers between the ports of Ceylon and the ports of the territories under the Government of the East-India Company which lie within the Gulf of Manar and Palks' Straits: be it therefore enacted, that the restrictions in the said twelfth section of the Passengers Act, 1852, shall not apply to vessels proceeding on any voyage from any port or place in the island of Ceylon to any port or place in the territories under the Government of the East-India Company in the Gulf of Manar or Palks' Straits, but that it shall be lawful for the Governor and Legislative Council of Ceylon, if they shall so think fit, to regulate by ordinance the number of persons or passengers who may be carried on board of vessels proceeding on any such voyage as last aforesaid.

Recited Act and this Act to be construed as one.

III. The Passengers Act of 1852 and this Act shall be construed together as one Act.

16 & 17 VICTORIÆ. Cap. XCV.

An Act *to provide for the Government of India.*
[*20th August*, 1853.]

3 & 4 W. 4, c. 85. Whereas by an Act passed in the session of Parliament holden in the third and fourth years of King William the Fourth, intituled, "An Act for effecting an Arrangement with "the East-India Company, and for the better Government of his Majesty's Indian Terri-"tories till the thirtieth Day of April, one thousand eight hundred and fifty-four," the territories therein mentioned were continued under the government of the East-India Company until the thirtieth day of April, one thousand eight hundred and fifty-four, with the powers and subject to the superintendence, direction, and control therein mentioned; and the property and rights in the said Act mentioned were continued in the possession of the said Company in trust for the Crown for the service of the said Government: and whereas it is expedient to provide for the government of the territories now in the possession and under the government of the said Company after the expiration of the term limited by the said Act: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Until Parliament shall otherwise provide, the British territories in India to be continued under the government of the Company, subject to the provisions of this Act.

I. Until Parliament shall otherwise provide, all the territories now in the possession and under the government of the East-India Company shall continue under such Government in trust for her Majesty, her heirs and successors, with and under the powers and restrictions, and subject to the superintendence, direction, and control now by law applicable to such Government, and subject also to the provisions of this Act; and all the provisions now in force of the said Act of the third and fourth years of King William the Fourth, and all other enactments whatsoever now in force with relation to the said Company and Government and territories respectively, shall, save so far as the same are altered by or are repugnant to this Act, continue in force after the said thirtieth day of April, one thousand eight hundred and fifty-four, as if the said term had not expired; and no appointments, arrangements, or acts made or done under the provisions and enactments hereby continued, shall, by reason only of the expiration of the said term, cease or be affected.

The twelve sections following effect important alterations in the law as to the election or appointment of directors, their number, qualifications, term of service, and other particulars. By the Charter of William the Third, there were to be twenty-four directors, thirteen or more to constitute a Court for the transaction of business; such directors to be elected annually by the members of the Company, and each director to be possessed of at least £2,000 stock. By the Act known as the "Regulating Act," 13 Geo. 3, cap. 63, some alterations as to the qualifications of voters were made; the number of twenty-four directors was retained, but instead of the whole being

elected annually, six only were to be chosen in each year to serve for four years, at the expiration of which term the retiring six were to be incapable of re-election until the lapse of one year. This state of the law continued until the present Act came into operation. By this Act it will be seen that the number of directors is reduced from twenty-four to eighteen; that of these, three in the first instance, and eventually six, are to be nominated by the Crown; that ten directors are sufficient to form a Court; that the signatures of three specified members of the Court or of two of them duly countersigned are to have the effect of the signatures of the majority previously required by a bye-law of the Company; that the term of service for each director, whether elected by the proprietors or appointed by the Crown, will, when the Act shall come fully into operation, be six years; that directors having completed this term are to be immediately eligible for re-election or re-appointment; that all directors appointed by the Crown must have resided ten years in India in the service either of the Crown or of the Company, and that six of those to be elected by the proprietors must also have resided in India ten years, no such condition having previously been required; that the stock qualification for a director is reduced from £2,000 to £1,000; that elections are to be biennial instead of annual, and that a new oath is substituted for those formerly administered to the directors.

After the second Wednesday in April, 1854, there shall be eighteen directors of the Company.

II. From and after the second Wednesday in the month of April, one thousand eight hundred and fifty-four, there shall be eighteen directors and no more of the said Company, to be from time to time appointed and elected as hereinafter mentioned; and such directors, or any ten or more of them, shall be and shall be called a Court of Directors, and such directors and Court of Directors respectively shall have the same powers and privileges as the directors and Court of Directors of the said Company now have, save so far as such powers and privileges are altered by this Act; and in every case where the presence, signature, consent, or concurrence of thirteen directors of the said Company, or of any greater number of such directors, is now requisite, the presence, signature, consent, or concurrence (as the case may be) of ten directors under this Act, shall be sufficient; and in all despatches and written documents proceeding from the said Court of Directors the signatures of the chairman and deputy chairman and of the senior member of the said Court, or of any two of them, countersigned by the secretary or deputy secretary for the time being of the said Company, shall be sufficient in lieu of the signatures of the majority of the said directors.

Her Majesty to appoint three of the first directors for two, four, and six years.

III. It shall be lawful for her Majesty, by warrant under the royal sign manual, at any time before the said second Wednesday in April, one thousand eight hundred and fifty-four, to appoint three persons to be, from the said second Wednesday in April, one thousand eight hundred and fifty-four, directors of the said Company, under this Act, and one of such persons shall be appointed to be a director for the term of two years, one other for the term

Directors appointed by her Majesty to be persons who shall have served ten years in India.

of four years, and one other for the term of six years; and every director to be so appointed, and every other director to be appointed by her Majesty under the provisions herein contained, shall be a person who shall have been for ten years at the least in the service of the Crown in India, or in the service of the said Company there.

The present directors and the directors out by rotation to appoint from their own body fifteen of the first directors under this Act, five for two years, five for four years, and five for six years.

IV. On the second Wednesday in the month of March, one thousand eight hundred and fifty-four, the present directors of the said Company, or such of them as may then remain in office, and the persons, or survivors of the persons, heretofore directors of the said Company, who, in the month of April, one thousand eight hundred and fifty-three, ceased to be such directors by the expiration of the term for which they were elected, or the major part of the said directors and persons, shall, from among the said directors and persons heretofore directors as aforesaid, appoint fifteen persons to be, with the three persons to be appointed by her Majesty, the first Directors of the said Company under this Act from the said second Wednesday in April, one thousand eight hundred and fifty-four; and of such fifteen persons five shall be appointed for the term of two years, five others for the term of four years, and the remaining five for the term of six years: and for the purposes of such appointment as aforesaid, as well the said persons heretofore directors, as the said present directors remaining in office, shall meet and act together as a Court of Directors of the said Company on the said second Wednesday in March, and the names of the directors who shall be appointed at such Court, together with the respective terms for which they are appointed, shall be certified to the Board of Commissioners for the Affairs of India, under the seal of the said Company.

Upon the happening of casual vacancies, number of directors appointed by the Crown to be increased to six, those not so appointed to be reduced to twelve.

V. To the intent that the number of the directors of the said Company to be appointed by her Majesty under this Act be increased to six, and the number of other directors reduced to twelve, it shall be lawful for her Majesty, upon the first, second, and third vacancy respectively among the directors under this Act not appointed by her Majesty which may happen otherwise than by the expiration of the term of years for which a director may have been appointed or elected, to appoint by warrant as aforesaid a person to be a director of the said Company to fill each of such vacancies.

Vacancies among directors how to be filled up.

VI. Every vacancy happening from time to time in the office of any director who shall have been appointed by her Majesty under any provision herein contained shall be filled up by her Majesty by warrant under the royal sign manual: and, subject to the provisions herein contained for increasing the number of directors to be appointed by her Majesty, every vacancy among the directors not appointed by her Majesty shall be filled up by election by the general Court of the said Company, in the manner in which directors are now elected.

Ordinary term of office of directors to be six years, and directors re-eligible.

VII. Every director appointed by her Majesty or elected by the said general Court to fill a vacancy occasioned by the expiration of the term of office of a director shall be appointed or elected for the term of six years; and every director appointed by her Majesty or elected by the said general Court to supply the place of any director whose office shall have become void otherwise than by the expiration of his term of office, shall be appointed or elected for the remainder of the term of office of such last-mentioned director; and every person who shall, or but for re-appointment or re-election would, cease to be a director by the expiration of his term of office, shall be capable of being forthwith re-appointed or of being re-elected at the election holden on the day of the expiration of such term.

VIII. The terms of two years, four years, and six years respectively, for which the directors first appointed under this Act shall be appointed, shall be taken to expire at the end of the day on the second Wednesday in the month of April in the second, fourth, and sixth years respectively after the year one thousand eight hundred and fifty-four, and the term of office of every person appointed or elected to supply a vacancy upon the expiration of any term shall be taken to expire at the end of the day on the second Wednesday in April in the sixth following year; and it shall be lawful for her Majesty from time to time, upon or after the expiration of the term of office of any director or directors appointed by her Majesty, by warrant under the royal sign manual, to appoint or re-appoint a person or persons to fill such vacancy or vacancies; and biennial elections shall be holden on the second Wednesday of the month of April, in the year one thousand eight hundred and fifty-six, and in every alternate year, for filling up such vacancies among the directors by the expiration of any term of office as the general Courts of the said Company may be authorized to fill up, and all the provisions applicable to the general annual and other elections of directors by the said general Court shall be applicable to the biennial and other elections of directors by such general Court under this Act, so far as circumstances will admit.

Term of office of directors to expire, and biennial elections to be holden on the second Wednesday in April.

IX. Of the fifteen directors first appointed under this Act by the present directors and persons heretofore directors of the said Company, six shall be persons who shall have resided for ten years at the least in India; and all such vacancies happening from time to time in the offices of any of the six directors so qualified as the general Court may be authorized to fill up shall be filled up by persons qualified in like manner; and in case by the vacancies among the directors not appointed by her Majesty, which her Majesty is authorized to fill up, or any of such vacancies, the number of directors so qualified as aforesaid (exclusive of those appointed by her Majesty) be reduced below six, every person thereafter elected by the general Court to be a director upon any vacancy, except any of the directors first appointed under this Act who may be elected at the expiration of their term of office, shall be a person qualified in like manner until the number of directors so qualified, exclusive of those appointed by the Crown, be restored to six, and every casual vacancy thenceforth happening among such six directors so qualified shall be filled up by the election of a person qualified in like manner; and when at the time of any biennial election thereafter of directors by the general Court the number of the directors for the time being who shall have resided for such time in India, exclusive of any such directors whose term of office may expire with the day of the election, and of the directors appointed by the Crown, is less than six, the directors to be then elected, or so many of such directors as may be necessary for making up the number of directors who shall have resided for such time in India to six, shall be a person or persons who shall have resided for such time in India.

Six of the directors not appointed by the Crown to be persons who shall have served ten years in India.

X. Notwithstanding the provision of the charter of the tenth year of King William the Third, any person shall be deemed, so far as respects the possession of stock of the said Company, to be qualified to be chosen or appointed and to continue a director of the said Company, under this Act, who shall have in his own name and in his own right and to his own use one thousand pounds or more in the capital stock of the said Company; and all enactments and all provisions of any charter or bye-law having reference to the qualification of a director shall be construed as if the said sum of one thousand pounds were substituted therein, and in the said charter of King William the Third, for the sum of two thousand pounds; and in the case of any such director appointed by her Majesty, it shall be sufficient if, before he shall act as such director, he shall have such qualification in the said capital

Qualification of a director as respects the possession of East-Indian stock;

1,000*l.* to be a qualification.

stock as is required under this Act, although he may not have the same at the time of his appointment; and every person who shall be hereafter elected or appointed a director of the said Company shall, before he shall act as such director, make the following declaration:

Director before acting to make a declaration.

"I *A. B.* do declare, that the sum of one thousand pounds now standing in my name of "the stock of the East-India Company belongs to me in my own right and not in trust "for any other person or persons whatsoever."

Directors appointed by her Majesty may sit in Parliament.

XI. No person appointed by her Majesty to be a director under this Act shall, by reason of such appointment, be incapable of being elected, or sitting or voting in Parliament; and no such director so appointed shall be subject to be removed by the general Court of the said Company; but it shall be lawful for her Majesty, if she shall think fit, to remove any such director for inability or misbehaviour.

The authority of the present directors to cease on the second Wednesday of April, 1854.

XII. From and after the second Wednesday of the said month of April, one thousand eight hundred and fifty-four, all such of the present directors of the said Company as shall not have been appointed to be directors under this Act shall cease to be directors of such Company; and no vacancy which shall happen in the meantime in the office of any of the said present directors shall be filled up; and, notwithstanding any such vacancies, such of the said present directors as for the time being may remain in office, or the majority of them, shall, until the commencement of the term of office of the first directors under this Act, have and exercise all the powers by law vested in the directors of the said Company; and in every case where the presence, signatures, consent, or concurrence of thirteen directors of the said Company or of any greater number of such directors is now requisite, the presence, signature, consent, or concurrence (as the case may be) of the majority of such of the said directors as for the time being may remain in office shall be sufficient.

Directors before acting to take the oath herein named.

XIII. Every person who shall hereafter be appointed or elected a director of the said Company shall, before he shall act in that office, take the following oath, instead of the oath now appointed to be taken by a director; that is to say,

"I *A. B.* do swear, that I will be faithful to her Majesty Queen Victoria, and will to the "best of my ability perform the duty assigned to me as a director of the East-India Com- "pany in the administration of the Government of India in trust for the Crown.

"So help me GOD."

Quorum of general Courts of the Company.

XIV. If at any general Court of the said Company, after the transaction of such business as by any Act of Parliament or any bye-law of the said Company may be required to be transacted at such Court, the number of proprietors assembled and qualified to vote, exclusively of any directors then present, shall not amount to twenty, it shall be lawful for the chairman of the said Court, and he is hereby required, upon the fact of the number of proprietors so assembled not amounting to twenty being brought to his notice, to declare the Court adjourned without putting the question.(1)

(1) [This section is altogether new; there was previously no law on the subject.]

The provisions of 3 & 4 W. 4, c. 85, for creating a presidency

XV. The provisions of the said Act of the third and fourth years of King William the Fourth,(1) relating to the division of the presidency of Fort William in Bengal into two

presidencies, and to the measures consequent thereupon, which have been suspended under the authority of the Act of the session holden in the fifth and sixth years of King William the Fourth, chapter fifty-two, shall remain suspended until the Court of Directors, under the direction and control of the Board of Commissioners for the Affairs of India, shall otherwise direct; and during the continuance of such suspension the provisions of such last-mentioned Act, authorizing the appointment of a Lieutenant-Governor for the North-Western Provinces, then under the Government of the Presidency of Fort William in Bengal, and the appointments and arrangements made thereunder, shall remain in full force.

of Agra, which has been suspended by 5 & 6 W. 4, c. 52, to remain so until the same be revoked.

(1) [Section 38.]

XVI. It shall be lawful for the said Court of Directors, under such direction and control as aforesaid, if and when they think fit, at any time after the passing of this Act, to declare that the Governor-General of India shall not be Governor of the Presidency of Fort William in Bengal, but that a separate Governor shall be appointed for such presidency, and in such case a separate Governor shall be from time to time appointed for such presidency accordingly, in manner provided by the said Act of the third and fourth years of King William the Fourth (1), in the case of vacancies happening in the offices of the Governors of the Presidencies of Fort Saint George and Bombay; and from and after the appointment of such Governor, the power by the said Act (2) vested in the Governor-General of India of appointing a Deputy Governor of the said Presidency of Fort William in Bengal shall cease; and unless and until a separate Governor of such presidency shall be constituted as aforesaid, it shall be lawful for the Court of Directors, under such direction and control as aforesaid, if and when they think fit, at any time after the passing of this Act, to authorize and direct the Governor-General of India in Council to appoint from time to time any servant of the said Company who shall have been ten years in their service in India to the office of Lieutenant-Governor of such part of the territories under the presidency of Fort William in Bengal as for the time being may not be under the Lieutenant-Governor of the said North-Western Provinces, and to declare and limit the extent of the authority of the Lieutenant-Governor to be so appointed.

A separate Governor may be appointed for the Presideocy of Bengal;

in the meantime a Lieutenant - Governor may be appointed.

(1) [Section 58.] (2) [Section 69.]

XVII. It shall be lawful for the Court of Directors of the said Company, under such direction and control, if and when they think fit, to constitute one new presidency within the territories subject for the time being to the Government of the said Company, and to declare and appoint what part of such territories shall be subject to the Government of such new presidency; and unless and until such new presidency be constituted as aforesaid, it shall be lawful for the said Court of Directors, under such direction and control as aforesaid, if and when they think fit, to authorize (in addition to such appointments as are hereinbefore authorized to be continued and made for the territories now and heretofore under the said Presidency of Fort William) the appointment by the said Governor-General in Council of a Lieutenant-Governor for any part of the territories for the time being subject to the Government of the said Company, and to declare for what part of the said territories such Lieutenant-Governor shall be appointed, and the extent of his authority, and from time to time to revoke or alter any such declaration.

Power to Directors to create one new presidency, or to authorize Governor - General to appoint a new lieutenant-governorship.

XVIII. It shall be lawful for the said Court of Directors, under such direction and control as aforesaid, from time to time to declare and appoint what part or parts of the

Power to alter from time to time the limits of presidencies and

lieutenant - governorships.

territories for the time being subject to the Government of the said Company shall be or continue subject to each of the presidencies and lieutenant-governorships for the time being subsisting in such territories, and to make such distribution and arrangement or new distribution and arrangement of such territories into or among such presidencies and lieutenant-governorships as to the said Court of Directors, under such direction and control as aforesaid, may seem expedient.

The enactments as to existing presidencies to extend to new presidencies.

XIX. The provisions of the said Act of the third and fourth years of King William the Fourth, as amended by this Act, and all other provisions now in force for the administration of the executive Government of the Presidencies of Fort Saint George and Bombay respectively, and authorizing the revocation and suspension of the appointment of Councils and the reduction of the number of councillors in such presidencies respectively, and as to the powers, duties, functions, and immunities of the Governors of such presidencies respectively, and of such Governors in their respective Councils, and concerning or applicable to the appointment and provisional appointment of Governors and members of Council of the said presidencies respectively on vacancies, and otherwise providing for vacancies in the office of any such Governor, and concerning the removal and dismissal of such Governors and members of Council, and the revocation of appointments and provisional appointments of Governors and members of Council of such presidencies, and concerning the salaries and emoluments of such Governors and members of Council, shall extend and be applicable in like manner to and in the case of any new presidency to be established as aforesaid under this Act, and also to and in the case of the Presidency of Agra, in case the same be constituted under the provisions of the said Act of the third and fourth years of King William the Fourth; and the said provisions concerning appointments of Governors and members of Council on vacancies, as amended by this Act, shall extend and be applicable to and for the first appointment of a Governor and members of Council of such new presidency and the Presidency of Agra aforesaid.

All appointments of members of Council to be subject to the approbation of her Majesty.

XX. Every appointment by the Court of Directors of any ordinary member of the Council of India, or of any member of the Council of any presidency in India, shall be subject to the approbation of her Majesty, to be signified under her royal sign manual, countersigned by the President of the Board of Commissioners for the Affairs of India. (1)

(1) [The royal approbation as to ordinary members of Council is by this Act first made necessary. Previously to its coming into operation, the Court of Directors appointed absolutely, except in the case of the fourth member of the Council of India.]

Provision of 3 & 4 W. 4, c. 85, excluding the fourth ordinary member of Council from certain meetings repealed.

XXI. So much of the said Act of the third and fourth years of King William the Fourth as provides that the fourth ordinary member of the Council of India shall not be entitled to sit or vote in the said Council, except at meetings thereof for making laws and regulations, shall be repealed.

Legislative councillors added to the Council of India for making laws and regulations.

XXII. For the better exercise of the powers of making laws and regulations, now vested in the Governor-General of India in Council, the several persons hereinafter mentioned shall, in addition to and together with such Governor-General and the members of the said Council, under the said Act of the third and fourth years of King William the Fourth, be members of the said Council of India for and in relation to the exercise of all such powers of

making laws and regulations as aforesaid, and shall be distinguished as legislative councillors thereof; (that is to say,)

One member for each presidency and lieutenant-governorship for the time being established in the said territories, to be appointed from time to time by the Governor of such presidency and the Lieutenant-Governor of such lieutenant-governorship respectively, from among the persons having been or being at the time of their appointment in the civil service of such Company within such presidency or lieutenant-governorship, and who shall have been ten years in the service of the said Company:

The chief justice of the Supreme Court of judicature at Fort William in Bengal, or the chief justice or chief judge of any Court of judicature hereafter to be constituted in the said territories to or in which the powers of such Supreme Court may be transferred or vested:

One of the other judges of such Supreme Court, or one of the judges appointed by her Majesty of any such future Court as aforesaid, to be named by the said Governor-General:

And it shall be lawful for the Court of Directors, if they think it expedient, under the direction and control of the Board of Commissioners for the Affairs of India, to authorize and direct the Governor-General of India to appoint from time to time, in addition to such legislative councillors as aforesaid, two persons, to be selected by the said Governor-General, having been ten years in the service of the Company, to be legislative councillors of the said Council under this Act: provided always, that the legislative councillors added to the Council of India by or under this Act shall not be entitled to sit or vote in the said Council, except at meetings thereof for making laws and regulations. (1)

Legislative councillors to vote only at meetings for making laws and regulations.

(1) [This section is entirely new, as is that which follows.]

XXIII. It shall be lawful for such Governor-General to appoint any member of the said Council to be Vice-President thereof at meetings of the said Council for making laws and regulations, who shall preside therein at such meetings in the absence of such Governor-General, and in the absence of such Vice-President the senior ordinary member of the Council of India there present shall preside therein; and the powers of making laws or regulations vested in the said Governor-General in Council shall be exercised only at meetings of the said Council, at which such Governor-General or Vice-President or some ordinary member of Council, and six or more members of the said Council, shall be assembled, the chief justice or chief judge, or such other judge of the Supreme Court or such other Court as aforesaid, or the fourth ordinary member of the said Council of India, being one; and in every case of difference of opinion at meetings of the said Council for making laws and regulations, where there shall be an equality of voices, the Governor-General, or in his absence the Vice-President, and in the absence of the Governor-General and Vice-President such senior ordinary member of Council there present and presiding, shall have two votes or the casting vote.

Appointment of a Vice-President of Council to preside at meetings in absence of Governor-General;

quorum for legislative business.

XXIV. Provided always, that no law or regulation made by the said Council shall have force or be promulgated until the same has been assented to by the said Governor-General, whether he shall or shall not have been present in Council at the making thereof.

Governor-General's assent to be requisite to the validity of laws.

XXV. Provided also, that the said Governor-General shall by proclamation appoint a time, not being later than six months from the commencement of this Act, for the first

Time for meeting of Council with new legislative councillors to be

fixed by Governor-General by proclamation.

meeting of the said Council of India for making laws and regulations under this Act, and summon thereto as well the legislative councillors appointed by and under this Act as the other members of such Council; and until such first meeting the powers now vested in the said Governor-General of India in Council of making laws and regulations shall and may be exercised in like manner and by the same members as before the passing of this Act.

No law or regulation of Governor-General in Council invalid by reason of the same affecting any prerogative of the Crown.

XXVI. No law or regulation made by the Governor-General in Council shall be invalid by reason only that the same affects any prerogative of the Crown, provided such law or regulation shall have received the previous sanction of the Crown, signified under the royal sign manual of her Majesty, countersigned by the President of the Board of Commissioners for the Affairs of India. (1)

(1) [In connection with this, see 3 & 4 Wm. 4, cap. 85, sec. 43.]

All fines, penalties, &c., to belong to the East-India Company.

XXVII. All fines and penalties incurred by the sentence or order of any Court of justice within the territories under the Government of the East-India Company, and all forfeitures for crimes of any real or personal estate within the said territories, and all real and personal estate within the said territories escheating or lapsing for want of an heir or successor, and all property within the said territories devolving as *bona vacantia* for want of a rightful owner, shall (as part of the revenues of India) belong to the East-India Company in trust for her Majesty for the service of the Government of India: provided also, that the Governor-General in Council, and any other person or persons who may be authorized by any Act passed in that behalf by the Governor-General in Council, shall have power (in cases where the same may appear suitable and proper) to make any grant or disposition of any property so accruing by forfeiture, escheat, or otherwise to or in favour of any relative or connexion of the person from whom the same shall have accrued, or to or in favour of any other person or persons.

Recital of provisions of 3 & 4 W. 4, c. 85, as to appointment of Indian Law Commissioners.

XXVIII. And whereas by the said Act of the third and fourth years of King William the Fourth it was provided, that commissioners to be appointed thereunder, and to be styled the Indian Law Commissioners, should inquire into the jurisdiction, powers, and rules of the existing Courts of justice and police establishments in the said territories, and all existing forms of judicial procedure, and into the nature and operation of all laws, whether civil or criminal, written or customary, prevailing and in force in any part of the said territories, and should from time to time make reports, in which they should fully set forth the result of their inquiries, and should from time to time suggest such alterations as might in their opinion be beneficially made in the said Courts of justice and police establishments, forms of judicial procedure, and laws, due regard being had to the distinction of castes, difference of religion, and the manners and opinions prevailing among different races and in different parts of the said territories: and whereas the Indian Law Commissioners from time to time appointed under the said Act have, in a series of reports, recommended extensive alterations in the judicial establishments, judicial procedure, and laws established and in force in India, and have set forth in detail the provisions which they have proposed to be established by law for giving effect to certain of their recommendations, and such reports have been transmitted from time to time to the said Court of Directors; but on the greater part of such reports and recommendations no final decision has been had:

Her Majesty may appoint commissioners in England to consider and report on the re-

It shall be lawful for her Majesty, at any time after the passing of this Act, by commission under the royal sign manual, to appoint such and so many persons in England as to her Majesty may seem fit to examine and consider the recommendations of the said Indian Law

Commissioners, and the enactments proposed by them for the reform of the judicial establishments, judicial procedure, and laws of India, and such other matters in relation to the reform of the said judicial establishments, judicial procedure, and laws, as may, by or with the sanction of the Commissioners for the Affairs of India, be referred to them for their consideration, and to authorize and direct the persons so appointed, or such number as may be limited by their commission in this behalf, to report their opinion to her Majesty on the matters aforesaid, and especially to report from time to time what laws or regulations should be made or enacted in relation to the matters aforesaid, but so that every such report be made within three years after the passing of this Act; and for the purposes of such examination it shall be lawful for her Majesty to authorize the persons so appointed, or the number limited by the commission in this behalf, to call before them and examine in England such persons in the service of the Crown and the said Company respectively, and to require the production of such official documents in the possession of the Board of Commissioners for the Affairs of India, or of the said Company, as they may think fit.(1)

forms proposed by the Indian Law Commissioners.

(1) [The creation of this commission is altogether new.]

XXIX. No appointment of any Advocate-General of the said Company shall be valid without the approbation of the Board of Commissioners for the Affairs of India.(1)

Advocate-General to be approved by Board of Control.

(1) [This enactment is a new one.]

XXX. Any person who shall be hereafter appointed by her Majesty to be the Commander-in-chief of her forces in India shall by virtue of such appointment be also the Commander-in-chief of all the Company's forces in India, and any person who shall be hereafter appointed by her Majesty to be the Commander-in-chief of her forces in any presidency in India shall by virtue of such appointment be also the Commander-in-chief of the Company's forces in such presidency.(1)

Commander-in-chief of her Majesty's forces to be Commander-in-chief of the Company's forces.

(1) [A new enactment also.]

XXXI. So much of the Act of the twenty-eighth year of King George the Third, chapter eight, as limits the numbers of the European forces of the said Company to twelve thousand two hundred men, and so much of the Act of the thirty-ninth year of King George the Third, chapter one hundred and nine, as limits the number of non-commissioned officers and private men which the said Company are authorized to enlist and have in pay at any one time, or to train or discipline at any one time, in Great Britain and the islands of Guernsey and Jersey, by virtue of that Act, to two thousand men, shall, from the passing of this Act, be repealed; and it shall be lawful for the Board of Commissioners for the Affairs of India, at any time after the passing of this Act, and from time to time, to give or approve such directions as they may think fit for raising and maintaining out of the revenues arising from the said territories such number of European forces as they may judge necessary, so that the number of European forces of the said Company at any one time do not amount in the whole to more than twenty thousand men, including the commissioned and non-commissioned officers; and it shall be lawful for the said Company to enlist and have in pay and train and discipline under the said last-mentioned Act any number of non-commissioned officers and private men not exceeding at any one time four thousand.

Limit of European troops of the Company and of their troops in training at home extended.

XXXII. Nothing in any enactment now in force, or any charter, relating to the said Company, shall be taken to prevent the establishment, by the Court of Directors (under the

Sick leave or furlough regulations may be extended as to resi-

dence out of the limits of the Company's Charter.

direction and control of the said Board of Commissioners), at any time after the passing of this Act, and from time to time, of any regulations which they may deem expedient in relation to the absence on sick leave or furlough of all or any officers and persons in the service of the said Company in India, or receiving salaries from the said Company there, under which they respectively may be authorized to repair to and reside in Europe or elsewhere out of the limits of the said Company's Charter, without forfeiture of pay or salary, during the times and under the circumstances during and under which they may now be permitted (while absent from their duty) to reside in places out of India within the limits of the said Company's Charter, or during such times and under such circumstances as by such regulations may be permitted.(1)

(1) [This may affect various enactments of earlier date: 33 Geo. 3, cap. 52, sec. 37; 7 Geo. 4, cap. 56, sec. 3; 3 & 4 Wm. 4, cap. 85, sec. 79; 7 Wm. 4 & 1 Vict. cap. 47, secs. 1 and 3.]

Salary of President of Board of Control.

XXXIII. And whereas by the said Act of the third and fourth years of King William the Fourth it is enacted, that the President of the Board of Commissioners for the Affairs of India, but no other commissioner, as such, and the secretaries and other officers, shall be paid by the said Company such fixed salaries as his Majesty shall, by any warrant or warrants under his sign manual, countersigned by the Chancellor of the Exchequer for the time being, direct: be it enacted, that such fixed salary of the said President of the Board of Commissioners shall in no case be less than the salary which shall be paid to one of her Majesty's principal Secretaries of State; and that only one of the said secretaries to the said Board shall be capable of being elected or sitting and voting in Parliament.(1)

(1) [The enactments of this section are new.]

Yearly allowances to Chairman, Deputy-Chairman, and directors, instead of those now payable under bye-laws.

XXXIV. Instead of the yearly sums (1) allowed under the bye-laws of the said Company to the Chairman, Deputy Chairman, and other directors, for their attendance upon the business of the said Company, there shall be allowed to the Chairman, Deputy Chairmain, and directors, under this Act, the yearly sums following; (that is to say,) to the Chairman one thousand pounds a year, to the Deputy Chairman one thousand pounds a year, and to every other director five hundred pounds a year.

(1) [Five hundred pounds a year each to the Chairman and Deputy Chairman, and three hundred pounds a year to every other director.]

Salaries.

XXXV. There shall be paid to the several officers hereinafter named the several annual salaries set against the names of such officers respectively, subject to such reduction as the Court of Directors, with the sanction of the said Board, may from time to time think fit; (that is to say,)

To the Commander-in-chief of the forces in India, one hundred thousand Company's rupees, in lieu of all other pay and allowances:

To each Lieutenant-Governor, one hundred thousand Company's rupees:

To each ordinary member of the Council of India, eighty thousand Company's rupees:(1)

To each legislative Councillor of the Council of India (not holding any other office), fifty thousand Company's rupees:

The several salaries aforesaid to be subject to the provisions and regulations of the said Act of the third and fourth years of King William the Fourth, concerning the salaries thereby appointed; provided always, that the salary of any such officer appointed before the passing of this Act shall not under this enactment be reduced.

(1) [See 3 & 4 Wm. 4, cap. 85, sec. 76.]

Provisions of 53 G. 3, c. 155, and 3 & 4 W. 4, c. 85, repealed, and existing rights of patronage of appointments to cease.

XXXVI. The provisions hereinafter mentioned, respecting the appointment of persons to the civil service of the said Company, and the admission of students into the College of the said Company at Haileybury, (that is to say,) section forty-six of the Act of the fifty-third year of King George the Third, chapter one hundred and fifty-five, and sections one hundred and three, one hundred and four, one hundred and five, one hundred and six, and one hundred and seven of the said Act of the third and fourth years of King William the Fourth(1), shall be repealed, and all powers, rights, or privileges of the Court of Directors of the said Company to nominate or appoint persons to be admitted as students or candidates for such admission, or as assistant-surgeons in the forces of the said Company, shall cease as regards all vacancies which shall occur on or after the thirtieth day of April, one thousand eight hundred and fifty-four.

(1) [Cap. 85. These sections, under which a system of competition was to be established, were not brought into use. Their operation was suspended by 7 Wm. 4 & 1 Vict. cap. 70, sec. 1, and was never revived.]

Persons desirous of being admitted to Haileybury, or appointed assistant-surgeons, to be admitted for examination.

XXXVII. Subject to such regulations as may be made by the Board of Commissioners for the Affairs of India, any person being a natural-born subject of her Majesty who may be desirous of being admitted into the said College at Haileybury, or of being appointed an assistant-surgeon in the said Company's forces, shall be admitted to be examined as a candidate for such admission or appointment respectively.

Board of Control to make regulations.

XXXVIII. It shall be lawful for the said Board of Commissioners at any time after the passing of this Act, and from time to time, to frame and make regulations not inconsistent with the provisions of this Act concerning such examinations, admissions, and appointments, and concerning the examination of persons to be admitted as students into the military seminary of the said Company at Addiscombe, and for such other purposes as hereinafter mentioned, and the said Board may from time to time alter or vary such regulations as to the said Board may seem expedient: provided always, that all regulations to be made by the said Board under this Act shall be laid before Parliament within fourteen days after the making thereof, if Parliament be sitting, and if Parliament be not sitting, then within fourteen days after the next meeting thereof.

Regulations to be laid before Parliament.

Regulations as to admission to Haileybury and Addiscombe, and for examination of candidates.

XXXIX. It shall be lawful for the said Board, by such regulations as aforesaid, to determine the age and qualifications in all respects of persons to be admitted students into the said College and Seminary respectively, and of persons who may be examined as candidates for such admission, and to make provisions for admitting such qualified candidates to examination, and prescribing the branches of knowledge in which such candidates shall be examined, and generally for regulating and conducting such examinations, and for admitting into such College and Seminary respectively qualified persons from among candidates who shall have been examined as aforesaid.

Regulations as to admission into the civil and military service, and of assistant-surgeons.

XL. It shall be also lawful for the said Board, by such regulations as aforesaid, to determine the age and qualifications of persons to be appointed to the civil service of the said Company in India, or to their military service there, or as assistant-surgeons in the said Company's forces, and to prescribe the branches of knowledge in which candidates for appointment to the civil and military service respectively of the said Company in India, and for appointment as such assistant-surgeons as aforesaid, shall be examined, and generally to provide for regulating and conducting such respective examinations.

Persons qualified and entitled according to the regulations only to be appointed.

XLI. Such persons only shall be appointed or admitted by the Court of Directors to the civil and military service of the said Company in India, or as such assistant-surgeons as aforesaid, as shall be qualified and entitled to admission according to the regulations for the time being in force under this Act, and the Court of Directors shall from time to time appoint such persons as may become entitled to appointments under such regulations.

Board of Control to appoint examiners.

XLII. It shall be lawful for the said Board of Commissioners from time to time to appoint such persons as they may see fit to be respectively examiners for conducting the examinations, under the regulations to be made under this Act, of persons desirous of being admitted as students into the said College at Haileybury and Seminary at Addiscombe, and of candidates for appointment to the civil and military service respectively of the said Company, and of persons desirous of being appointed assistant-surgeons in the said Company's forces.

Commencement of Act.

XLIII. This Act shall, save as herein otherwise expressly provided, commence and take effect on the thirtieth day of April, one thousand eight hundred and fifty-four.

The 17 & 18 Vict. cap. 77, which appears in a subsequent part of this collection, is directed to be read and construed as part of this Act.

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16 & 17 VICTORIÆ. Cap. CVII.

An Act *to amend and consolidate the Laws relating to the Customs of the United Kingdom and of the Isle of Man, and certain Laws relating to Trade and Navigation and the British Possessions.*

[20*th August*, 1853.]

Into the present edition of this work it is not professed to admit Customs Laws; but the following section of this Act, which, though found there, does not in fact belong to Customs Enactments, is entitled to insertion.

Coasting trade of India to be regulated by Governor-General in Council.

CCCXXIX. And with regard to the coasting trade in India, it shall be lawful for the Governor-General of India in Council to make any regulations authorizing or permitting the conveyance of goods or passengers from one part of the possessions of the East-India Company to another part thereof in other than British ships, subject to such restrictions or

regulations as he may think necessary; and such regulations shall be of equal force and effect with any laws and regulations which the said Governor-General in Council is now or may hereafter be authorized to make, and shall be subject to disallowance and repeal in like manner as any other laws or regulations made by the said Governor-General in Council, under the laws from time to time in force for the government of the British territories in India, and shall be transmitted to England, and be laid before both Houses of Parliament, in the same manner as any other laws or regulations which the Governor-General in Council is now or may hereafter be empowered to make.

No Act of the Government of India passed in consequence of the above provision has up to this time (November, 1854) arrived in this country. The latest on the subject is No. 5 of 1850, passed with reference to a former Act of the British Parliament now repealed, and by which foreign ships were admitted to the coasting trade of the territories under the Government of the East-India Company, without any restriction beyond that imposed on British ships for securing payment of duties and other purposes.

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16 & 17 VICTORIÆ. Cap. CXXXVII.

An Act *for the better Administration of Charitable Trusts.* [*20th August*, 1853.]

Section 51 of this Act gives authority for the transfer of annuities, stock, shares, and other securities of the Bank of England, East-India Company, South-Sea Company, or any other company, for the purposes of charities.

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17 & 18 VICTORIÆ. Cap. IV.

An Act *for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.* [*23rd March*, 1854.]

An Act bearing this title and having the same objects is passed annually. The periods for the commencement and expiration of the present Act in various parts of the world are fixed by section 104;

and as its operation in India does not come into force until the 1st February, 1856, unless previously promulgated by general orders, the Queen's forces there will until that period be subject to the Acts passed in former sessions. Another Act exists for the troops of the East-India Company (12 & 13 Vict. cap. 43), but it has no operation within the United Kingdom.

The temporary duration of the Annual Mutiny Act, with other causes, render it neither necessary nor expedient to insert any large portion of it here. A few sections, likely to prove of the more general utility, have been selected for quotation or notice.

Section 2 declares what persons are subject to the Act; and among those enumerated are "the officers and soldiers belonging to the "forces of the East-India Company, while such officers and soldiers "shall be in any part of the United Kingdom." Section 7 prescribes the number of members for a general Court-martial in various parts of the world, having power to sentence to death or transportation. "In the "settlements of the East-India Company" such Court-martial is to consist of not less than thirteen commissioned officers, save in Prince of Wales Island, Singapore, and Malacca, where five are sufficient. By section 8 a district or garrison Court-martial not having power to try a commissioned officer, nor to sentence to death or transportation, is not to consist of less than seven commissioned officers, with certain local exceptions, in which no part of the Indian dominions is included. By section 9 a regimental or detachment Court-martial is to consist of five officers, unless that number cannot be assembled, when three are deemed sufficient. Such Court-martial may try offences committed on line of march or on board ship.

Mixed Courts-martial in case of marines and East-India Company.

XII. Where necessary or expedient, officers of her Majesty's royal marines, or officers in the service of the East-India Company, or officers of both such services, may sit on Courts-martial together with officers of her Majesty's land forces, whether the commanding officer by whose order such Court-martial is assembled belongs to the land or to the marine forces; and when the person to be tried shall belong to the land forces, then the proceedings of such Court shall be regulated, to all intents and purposes, as if the Court was composed of officers of her Majesty's land forces only, and the provisions of this Act, and the oaths hereby prescribed, shall be applicable to the proceedings of such Court; but where the person to be tried shall belong to her Majesty's royal marines, then the provisions of an Act passed in the present session of Parliament, for the regulation of her Majesty's royal marine forces while on shore, and the oaths therein prescribed, shall be applicable; and where the person to be tried shall be in the service of the East-India Company, the provisions of an Act passed in the

twelfth and thirteenth years of her present Majesty, to amend the laws for punishing mutiny and desertion of officers and soldiers in the service of the East-India Company, and the oaths thereby prescribed, shall be applicable, notwithstanding any officer, though in the actual service of the said Company, may hold a commission from her Majesty or from his late Majesty King William the Fourth.

Section 14 limits the hours for proceedings on trials in the East-Indies to those between six in the morning and four in the afternoon.

XXIV. Whenever any sentence of penal servitude or of transportation heretofore or hereafter passed upon any offender by any Court-martial holden in the East-Indies, or in any part of her Majesty's foreign dominions, or elsewhere beyond the seas, is to be carried into execution for the term specified in such sentence or for any shorter term, or when sentence of death has been or shall as aforesaid be commuted to penal servitude or to transportation, the same shall be notified by the officer commanding her Majesty's forces at the presidency or station where the offender may come or be, or in his absence by the Adjutant-General for the time being, to some judge of one of the Supreme Courts of Judicature in the East-Indies, or Chief Justice, or some other judge, as the case may be, in any part of her Majesty's foreign dominions, who shall make order for the penal servitude or transportation or intermediate custody of such offender, in like manner as for the penal servitude or transportation or intermediate custody of any other convict; and upon any such order being made it shall be duly notified to the Governor of the presidency if in the East-Indies, or to the Governor of the colony if in any of her Majesty's colonies, or to the person who shall for the time being be exercising the office of Governor of such presidency or colony, who, on receipt of such notification, shall cause such offender to be removed to some colony or place in obedience to the directions for the removal of convicts which shall from time to time be transmitted from her Majesty through one of her principal Secretaries of State to such presidency or colony; and such offender on being so removed shall undergo the sentence of penal servitude or of transportation which has been passed upon him in the colony or place to which he has been so removed or sent, and whilst such sentence shall remain in force shall be liable to be there imprisoned, and kept to hard labour, and otherwise dealt with under such sentence in the same manner as if he had been sentenced to be imprisoned, with hard labour, during the term of his penal servitude or of his transportation, by the judgment of a Court of competent jurisdiction in the colony or place to which he has been so removed or sent: provided always, that in any case where a sentence of penal servitude or of transportation shall have been awarded by a general or detachment general Court-martial it shall be lawful for her Majesty or, if in the East-Indies, for the officer commanding in chief the forces in India, instead of causing such sentence to be carried into execution, to order that the offender be imprisoned for a term not exceeding two years, either with or without hard labour, and solitary confinement not exceeding the period hereinafter prescribed. In the colonies.

Section 49 provides for the punishment of persons fraudulently confessing themselves to be deserters while serving in her Majesty's forces, the embodied militia, or the forces of the East-India Company. Sections 55, 56, 57, and 58, relate to enlistment, whether for her Majesty's service or that of the East-India Company. Section 59

enables the Secretary at War to authorize the Governors of the several presidencies of India to make provision for enlistment and re-enlistment. Section 67 and several succeeding sections relate to billeting and the provision of carriages; and it may here be noted, that by 50 Geo. 3, cap. 87, sec. 3, all the powers, authorities, provisions, &c., in any Act of Parliament in force for the time being, relating to the quartering, billeting, and provisioning of soldiers, and officers of the Crown, and to allowances in respect thereof, as well as to the providing of carriages for the use of such soldiers, are extended to soldiers enlisted for or transferred to the service of the Company.

Penalty on unlawful recruiting.

LXXXVI. All the persons (except such recruiting parties as may be stationed under military command) who shall cause to be advertised, posted, or dispersed bills for the purpose of procuring recruits or substitutes for the line, embodied militia, or East-India Company's service, or shall open or keep any house, place of rendezvous, or office, or receive any person therein under such bill or advertisement, as connected with the recruiting service, or shall directly or indirectly interfere therewith, without permission in writing from the Adjutant-General, or from the Directors of the East-India Company, (as the case may be,) shall forfeit for every such offence a sum not exceeding twenty pounds.

The last section in the Act (104) fixes its duration in different places. Of these many may be passed over, it being sufficient to state that within Great Britain it is to continue in force until the 25th April, 1855; within Ireland, the Channel Islands, and the Isle of Man, until the 1st May, 1855; and in all places not specially named, among which places the territories under the East-India Company are included, it is to come into operation on the 1st February, 1856, and to continue in force until the 1st February, 1857. By general orders it may, however, be introduced at an earlier period anywhere. A variety of schedules are attached, to which it is unnecessary more particularly to refer.

17 & 18 VICTORIÆ. Cap. VI.

An Act *for the Regulation of her Majesty's Royal Marine Forces while on shore.* [23*rd March*, 1854.]

Of this Act the following section only need be quoted.

XXVI. Whenever any sentence of penal servitude or transportation heretofore or hereafter passed upon any offender by any Court-martial holden in the East-Indies, or in any part of her Majesty's foreign dominions, or elsewhere beyond the seas, is to be carried into execution for the term specified in such sentence, or for any shorter term, or when sentence of death has been or shall as aforesaid be commuted to penal servitude or transportation, the same shall be notified by the officer commanding her Majesty's forces at the presidency or station where the offender may come or be to some judge of one of the Supreme Courts of judicature in the East-Indies, or chief justice or some other judge, as the case may be, in any part of her Majesty's foreign dominions, who shall make order for the penal servitude or transportation or intermediate custody of such offender in like manner as for the penal servitude or transportation or intermediate custody of any other convict; and upon any such order being made it shall be duly notified to the Governor of the presidency if in the East-Indies, or to the Governor of the colony if in any of her Majesty's colonies, or to the person who shall for the time being be exercising the office of Governor of such presidency or colony, who on receipt of such notification shall cause such offender to be removed to some colony or place in obedience to the directions for the removal of convicts which shall from time to time be transmitted from her Majesty through one of her principal Secretaries of State to such presidency or colony; and such offender on being so removed shall undergo the sentence of penal servitude or transportation which has been passed upon him in the colony or place to which he has been so removed or sent, and whilst such sentence shall remain in force shall be liable to be there imprisoned and kept to hard labour, and otherwise dealt with under such sentence, in the same manner as if he had been sentenced to be imprisoned with hard labour during the term of his penal servitude or transportation by the judgment of a Court of competent jurisdiction in the colony or place to which he has been so removed or sent: provided always, that in any case where a sentence of penal servitude or transportation shall have been awarded by a general Court-martial or detachment general Court-martial, it shall be lawful for her Majesty, or, if in the East-Indies, for the officer commanding in chief the forces in India, instead of causing such sentence to be carried into execution, to order that the offender be imprisoned for a term not exceeding two years, either with or without hard labour and solitary confinement not exceeding the period hereinafter prescribed. In the colonies.

The Act will have effect in India from the 25th November, 1854, to the 25th November, 1855, inclusive.

17 & 18 VICTORIÆ. Cap. XVIII.

An Act *for the Encouragement of Seamen and the more effectual Manning of her Majesty's Navy during the present War.*

[*2nd June*, 1854.]

This Act would not demand notice, were it not that by section 4 all Vice-Admiralty Courts are required to execute the orders of the High Court of Admiralty in England; while by section 30, the registrars of those Courts are to transmit to the High Court of Admiralty lists of all cases adjudged in their respective Courts. Appeals by section 37 are to be made within twelve months from any Court beyond the Cape of Good Hope. Sections 48 and 49 relate to the grant of salaries and pensions to judges acting in prize causes; and section 57 declares that the Act shall continue in force during the war, and no longer.

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17 & 18 VICTORIÆ. Cap. LXXVII.

An Act *to provide for the Mode of passing Letters Patent and other Acts of the Crown relating to India, and for vesting certain Powers in the Governor-General of India in Council.*

[*7th August*, 1854.]

Whereas doubts may arise as to the mode of passing letters patent and other acts of the Crown relating to India in certain cases where her Majesty's pleasure is to be signified under her royal sign manual, and it is expedient to remove such doubts, and to provide an uniform mode of proceeding in such cases: and whereas it is expedient to provide for the administration by the Governor-General of India in Council of such parts of the territories for the time being under the Government of the East-India Company as it may not be advisable to include in any presidency or lieutenant-governorship, and to vest in such Governor-General of India in Council the powers now vested in the Governor of the presidency of Fort William in Bengal: be it enacted and declared, therefore, by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Warrants, &c., under royal sign manual relating to India to be

I. Whenever it shall please her Majesty to cause letters patent to be issued under the great seal of the United Kingdom for the nomination or appointment of any person to any

office in India, or to any office relating to the government thereof, or for any other purpose whatsoever relating to India, the warrant under her Majesty's royal sign manual for causing such letters patent to be passed under the said great seal shall be countersigned by the President of the Board of Commissioners for the Affairs of India, and by no other person, and shall be sealed with the privy seal, for which sealing such royal sign manual so countersigned shall be sufficient warrant to the Lord Keeper of the Privy Seal, and such warrant under the royal sign manual, so countersigned and sealed as aforesaid, shall be a sufficient authority to the Lord High Chancellor, or Lord Keeper or Lords Commissioners of the Great Seal of the United Kingdom, for passing letters patent under such great seal, according to the tenor of the same warrant; and whenever her Majesty's royal sign manual is or may be required to any warrant or writing for the appointment or removal of any person to or from any office in India, or any office relating to the government thereof, or is or may be required to any warrant or writing, for the purpose of signifying her Majesty's approbation or consent to any appointment or removal to or from any such office, or for any other purpose whatsoever relating to India, such warrant or writing shall be countersigned by the President of the said Board, and by no other person; and every such warrant or writing as aforesaid under her Majesty's royal sign manual which may have been heretofore countersigned by such President shall not be deemed to have required any other counter-signature or verification.

countersigned by President of Board of Control.

II. During any vacancy in the office of President of the Board of Commissioners for the Affairs of India, any warrant or writing required under this Act or otherwise to be countersigned by such President shall be countersigned by one of her Majesty's principal Secretaries of State.

If office of President vacant, then by Secretary of State.

III. It shall be lawful for the Governor-General of India in Council, with the sanction and approbation of the Court of Directors of the East-India Company, acting under the control and direction of the Board of Commissioners for the Affairs of India, from time to time by proclamation duly published, to take under the immediate authority and management of the said Governor-General of India in Council any part or parts of the territories for the time being in the possession or under the government of the said Company, and thereupon to give all necessary orders and directions respecting the administration of such part or parts of the said territories or otherwise to provide for the administration thereof: provided always, that no law or regulation in force at any such time as regards any such portion of territory shall be altered or repealed except by law or regulation made by the Governor-General of India in Council.

The immediate government of any part of the Indian territories may be vested in the Governor-General of India in Council.

IV. It shall be lawful for the said Governor-General of India in Council, with the like sanction and approbation, from time to time to declare and limit the extent of the authority of the Governor in Council, Governor, or Lieutenant-Governor of Bengal, or of Agra, or the North-West Provinces, who is now or may be hereafter appointed.

Governor-General may limit the powers of Governors herein named.

V. All powers now or at any time vested in or exercised by the Governor in Council, or Governor of the presidency of Fort William in Bengal, or in or by the Governor-General of India in Council in respect of such presidency, and which for the time being shall not have been transferred to the Governor in Council, Governor, or Lieutenant-Governor of Bengal, or of Agra, or the North-West Provinces, shall be vested in and may be exercised by the Governor-General of India in Council, and the Governor-General of India shall no longer be the Governor of the said presidency of Fort William in Bengal.

Powers of Governor-General as Governor of Bengal transferred to the Governor of India in Council.

Past acts declared valid.

VI. All acts of the Governor-General of India, or of the Governor-General of India in Council, done before the commencement of this Act, in respect to the presidency of Fort William in Bengal, shall be as good and valid and of the same force and effect as if done by the Governor of the said presidency.

Interpretation.

VII. In the construction of this Act "India" shall be construed to mean the territories for the time being in the possession and under the government of the East-India Company.

Act to be construed with 16 & 17 Vict. c. 95.

VIII. This Act shall be read and construed as part of the Act of the last session of Parliament, chapter ninety-five.

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17 & 18 VICTORIÆ. Cap. CIV.

An Act *to amend and consolidate the Acts relating to Merchant Shipping.* [10*th August*, 1854.]

Section 30 appointing persons to register British ships under this Act, contains the following clause.

At the ports of Calcutta, Madras, and Bombay, the master attendants, and at any other port or place so approved as aforesaid (1) within the limits of the Charter and under the government of the East-India Company, the collector of duties, or any other person of six years standing in the civil service of the said Company who is appointed by any of the Governments of the said Company to act for this purpose.

(1) [A previous clause of this section would seem to indicate this to mean approved by the Commissioners of Customs.]

Saving of 3 & 4 Vict. c. 56, relating to East-Indian ships.

108. Nothing in this Act contained shall repeal or affect an Act passed in the session of Parliament holden in the third and fourth years of the reign of her present Majesty, chapter fifty-six, intituled "An Act further to regulate the Trade of Ships built and trading "within the Limits of the East-India Company's Charter."

Section 135 contains the following clause.

Every person who before the first day of January, one thousand eight hundred and fifty-one, served as master in the British merchant service, or who has attained or attains the rank of lieutenant, master, passed mate, or second master, or any higher rank in the service of her Majesty or of the East-India Company, shall be entitled to a certificate of service as master for foreign-going ships.

Provisions of Act, as applied by East-Indian and colonial Governments to their own ships, may be enforced throughout the empire.

288. If the Governor-General of India in Council, or the respective legislative authorities in any British possession abroad, by any Acts, ordinances, or other appropriate legal means, apply or adapt any of the provisions in the third part of this Act contained to any British ships registered at, trading with, or being at any place within their respective jurisdictions, and to the owners, masters, mates, and crews thereof, such provisions, when so

applied and adapted as aforesaid, and as long as they remain in force, shall in respect of the ships and persons to which the same are applied be enforced, and penalties and punishments for the breach thereof shall be recovered and inflicted, throughout her Majesty's dominions, in the same manner as if such provisions had been hereby so adopted and applied, and such penalties and punishments had been hereby expressly imposed.

289. Every Act, ordinance, or other form of law to be passed or promulgated by the Governor-General of India in Council, or by any other legislative authority, in pursuance of this Act, shall respectively be subject to the same right of disallowance or repeal, and require the same sanction or other acts and formalities, and be subject to the same conditions in all respects, as exist and are required in order to the validity of any other Act, ordinance, or other form of law passed by such Governor-General in Council or other legislative authority respectively.

East-Indian and colonial Acts to be subject to disallowance, and require sanction as in other cases.

290. If in any matter relating to any ship or to any person belonging to any ship there appears to be a conflict of laws, then, if there is in the third part of this Act any provision on the subject which is hereby expressly made to extend to such ship, the case shall be governed by such provision, and if there is no such provision the case shall be governed by the law of the place in which such ship is registered.

Conflict of laws.

544. It shall be lawful for any master or owner of a ship, or his agent, to enter into contracts with Lascars or natives of the territories of the East-India Company, binding them to proceed to any port or ports in the Australian colonies either as seamen or as passengers, and there to engage themselves as seamen in any ship which may happen to be there and to be bound to the United Kingdom or to any other part of her Majesty's dominions; provided that every such contract shall be in such form, and shall contain such provisions, and shall be executed in such manner, and under such conditions for securing the return of such Lascars or natives to their own country, and for other purposes, as the Governor-General of India in Council, or the Governors of the respective presidencies in which the contract is made, in Council, may direct; and if any Lascar or other person who has bound himself by any such contract is, on arriving in any of the said colonies, required to enter into an agreement to serve as a seaman in any ship bound for the United Kingdom or to any other part of her Majesty's dominions, and if it is certified by some officer appointed for that purpose by the Governor of the said colony that such agreement is a proper agreement in all respects for such Lascar or other person to enter into, and is in accordance with the original contract, and that the ship to which such agreement relates is a proper ship for such Lascar or other person to serve in, and is properly supplied with provisions, and that there is not in the opinion of such officer any objection to the full performance of the said contract, such Lascar or other person shall be bound to enter into the said agreement, and to serve as a seaman in the ship to which it relates, and shall thereupon be deemed to be for all purposes one of the crew of the ship; and if he refuses to enter into such agreement he shall, notwithstanding such refusal, be liable to the same consequences, and be dealt with in all respects in the same manner, as if he had voluntarily entered into the same; and for every Lascar or other person in respect of whom such certificate is applied for, the person applying for the same shall pay to such officer as aforesaid such fee as the Governor of the colony may appoint.

Contracts may be made with natives in India, under certain conditions, binding them to go to Australia, and thence to serve in other ships to the United Kingdom.

The remainder of this Act need not be quoted or referred to.

17 & 18 VICTORIÆ. Cap. CV.

An Act *to amend the Laws relating to the Militia in England and Wales.* [11*th August*, 1854.]

In regard to this Act, it is only necessary to observe that by section 31 officers of the East-India Company's service having served five years therein, are admissible as captains into the militia force without landed qualification; and that by section 42 the Secretary at War has power to release from attendance in the militia any volunteer who may have fraudulently enlisted into the service of the East-India Company and been sentenced to imprisonment or forfeiture thereon. This section (42) is, with a slight verbal difference, the same as section 9 of 16 & 17 Vict. cap. 133.

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17 & 18 VICTORIÆ. Cap. CVI.

An Act *for amending the Laws relating to the Militia, and raising a Volunteer Militia Force, in Scotland.* [11*th August*, 1854.]

Two sections only of this Act require either insertion or notice.

Persons holding certain military ranks may be appointed field officers, though not possessed of property qualifications.

X. Officers of the regular army, the marines, or East-India Company's service, who have served five years in the regular army or East-India Company's service, shall be admissible as captains into the militia force without any qualification; and any person holding or having held the rank of major or any higher rank in any of the said forces may, without any such qualification, be appointed a lieutenant colonel or colonel of the militia; and any person who shall have been qualified to receive and shall have received a commission of major or lieutenant colonel in the militia shall be qualified to receive and hold a commission of higher rank in the militia.

Section 61 invests the Secretary at War with the same power given him as to England by the forty-second section of the Act immediately preceding this, as to the release from attendance in the militia of any volunteer fraudulently enlisting in the forces of the East-India Company, and incurring punishment thereby.

17 & 18 VICTORIÆ. Cap. CVII.

An Act *to amend the Laws relating to the Militia, and for raising a Volunteer Militia Force in Ireland.* [11*th August*, 1854.]

The seventh section gives certain privileges to officers of the Indian army.

VII. Any person holding or having held the rank of captain or any higher rank in her Majesty's other forces, or in the forces of the East-India Company, may, without any property qualification, be appointed a captain or major of the militia; and any person holding or having held the rank of major or any higher rank in any of the said forces may, without any property qualification, be appointed a lieutenant-colonel or colonel of the militia; and any person who shall have been qualified to receive and shall have received a commission of major or lieutenant-colonel in the militia shall be qualified to receive and hold a commission of higher rank in the militia.

Persons holding certain military ranks may be appointed officers without property qualification.

The eighth section, which gives to the Lord Lieutenant the power of appointing adjutants, enacts, that any person having served three years in the forces of the East-India Company may be so appointed.

Section 25 gives to the Secretary at War the same power of discharging from the militia volunteers fraudulently enlisting into the forces of the East-India Company as is given in the Acts relating to England and Scotland.

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17 & 18 VICTORIÆ. Cap. CXX.

An Act *to repeal certain Acts and Parts of Acts relating to Merchant Shipping, and to continue certain Provisions in the said Acts.* [11*th August*, 1854.]

The following section of this Act is the only one which is connected with the purpose of this volume. For further information on the subject to which it relates, see note at the end of the sections quoted from 4 Geo. 4, cap. 80.

XVI. If a native of any country in Asia, Africa, or of any of the islands in the South Sea or the Pacific Ocean, or of any other country not having any consul in the United Kingdom, is brought to the United Kingdom in any ship, British or foreign, as a seaman, and is left in the United Kingdom, and within six months of his being so left becomes chargeable upon

Penalty on masters of ships leaving certain seamen in distress in this country.

the poor rate, or commits any act by reason of the committal whereof he is liable to be convicted as an idle and disorderly person, or any other act of vagrancy, the master or owner of the said ship, or in case of a foreign ship the person who is consignee of the ship at the time of the seaman being so left as aforesaid, shall incur a penalty not exceeding thirty pounds, unless he can show that the person so left as aforesaid quitted the ship without the consent of the master, or that due means have been afforded by such master, owner, or consignee, or one of them, to such person, of returning to his native country, or to the country in which he was shipped; and the Court inflicting such penalty may order the whole or any part of such penalty to be applied towards the relief or sending home of such person.

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17 & 18 VICTORIÆ. Cap. CXXV.

An Act *for the further Amendment of the Process, Practice, and Mode of Pleading in and enlarging the Jurisdiction of the Superior Courts of Common Law at Westminster, and of the Superior Courts of Common Law of the Counties Palatine of Lancaster and Durham.* [12*th August*, 1854.]

This Act is noticed here solely on account of the provisions relating to oaths referred to in note upon section 9 of 3 & 4 Wm. 4, cap. 41, *which see.*

LOCAL AND PERSONAL ACTS.

All the Acts of this class which are noticed in the present collection relate to the construction of railways in India.

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12 & 13 VICTORIÆ. Cap. 83.

An Act *to incorporate the Great Indian Peninsula Railway Company, and for other Purposes connected therewith.* [1*st August*, 1849.]

Section 5 only need be inserted.

For entering into terms with the East-India Company.

V. And be it enacted, that it shall and may be lawful for the company from time to time to enter into and conclude with the East-India Company on account of the Government of India such contracts, agreements, and arrangements as the respective parties may think fit and agree upon, for making any railway or railways in India and any telegraphs connected therewith, and for maintaining and working the same, and for the other objects and purposes aforesaid, including, so far as the said respective parties may agree thereto, all or any of the provisions following; (that is to say,) any provisions for securing to the East-India Company any facilities, rights, and advantages in relation to the said railways and premises respectively; and any provision as to the tolls, receipts, and profits thereof, and the application of such tolls, receipts, and profits; and any provisions for giving to the East-India Company, and to any of their officers, servants, or agents, any absolute or other rights of supervising, controlling, directing, regulating, and ordering the company, and the works, contracts, accounts, bye-laws, acts, proceedings, transactions, and affairs of the company as well in England as elsewhere; and any provisions for enabling the East-India Company to appoint an *ex officio* director of the company, whether qualified by holding shares or not, in the place of any one of the ordinary directors of the company, or otherwise; and any provisions for regulating the powers, including a right of veto at the Board of the Directors, and the duties and proceedings and the liabilities of any such official director; and any provisions for binding the company to conform to and fulfil all or any directions which may be given by the East-India Company or their authorized officers and agents touching all or any of the matters aforesaid; and any provisions for the appointment of agents of the company in India or elsewhere, and for determining and regulating the powers and duties of such agents as aforesaid; and any provisions for depositing with or paying to the East-India Company all or any part of the subscribed capital of the company upon any terms (as to interest or otherwise) to be agreed upon; and any provisions with regard to any land which may be granted or leased to the company by the East-India Company, or otherwise; and any pro-

visions for charging all or any part of the property of the company with any sum or sums of money upon any terms to be agreed upon; and any provisions for the surrender or sale to the East-India Company or to any other person or persons of the said railway or railways, or any part thereof, and of all or any part of the property of the company, at any future period; and any provisions for referring disputes to arbitration; and any provisions intended to enforce or secure the due performance of any contract or engagement to be made by the company; and generally all such provisions and stipulations in relation to the matters aforesaid and any of them, and in relation to the undertakings of the company and the encouragement and promotion thereof, and the eventual or contingent transfer of the same or any part thereof to the East-India Company, as the said respective parties shall think fit and agree upon, and from time to time to vary and alter such contracts, agreements, and arrangements, and to enter into new or other contracts, agreements, and arrangements in relation to the premises; all which contracts, agreements, and arrangements (whether the same shall or not be within the objects originally contemplated by the said company, or in accordance with the provisions and clauses by which the company would otherwise be governed) shall be valid and effectual and binding to all intents and purposes whatsoever, and full effect shall be given to the same accordingly.

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12 & 13 VICTORIÆ. Cap. 93.

An Act *for incorporating the East-Indian Railway Company, and for other Purposes connected therewith.* [1*st August*, 1849.]

Section 4 corresponds with section 5 of 12 & 13 Vict. cap. 83, with an addition giving to arbitrators or their umpire, in cases where any contract or agreement provides for referring disputes to arbitration, the powers given by an Act referred to as the "Companies Clauses "Consolidation Act, 1845," unless there be any contrary provision in the said contract or agreement.

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16 & 17 VICTORIÆ. Cap. 46.

An Act *for incorporating the Madras Railway Company, and for other Purposes connected therewith.* [14*th June*, 1853.]

Section 7 (the only one demanding notice) is nearly identical with section 4 of 12 & 13 Vict. cap. 93, already quoted.

16 & 17 VICTORIÆ. Cap. 226.

An Act *to amend an Act, intituled, "An Act for incorporating the "East-India Railway Company, and for other Purposes connected "therewith."* [1853.]

This Act authorizes the Railway Company to make new contracts with the East-India Company with regard to change of line, and also contains provisions as to the division of profits among the shareholders, and of the purchase-money in the event of the railway being purchased.

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17 & 18 VICTORIÆ. Cap. 29.

An Act *to amend an Act, intituled, "An Act for incorporating the "Madras Railway Company, and for other Purposes connected "therewith."* [*2nd June*, 1854.]

This Act gives power to the Railway Company to enter into contracts with the East-India Company for the extension of their line to the western coast of India, and for any other purposes or objects contemplated in the Act of incorporation; also to increase their capital by the issue of new shares, and to extend their powers of borrowing.

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17 & 18 VICTORIÆ. Cap. 44.

An Act *to amend the Act incorporating the Great Indian Peninsula Railway Company, and for other Purposes connected therewith.* [*2nd June*, 1854.]

This Act repeals one section of the Act incorporating the company, provides in the event of purchase for the appropriation of the purchase-money, and for other objects.

The Acts of the Government of India, relating to railways, are No. 3 of 1853, and No. 12 of the same year.

APPENDIX.

PART I.

LETTERS PATENT FROM THE CROWN.

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LETTERS PATENT FROM THE CROWN.

THE earliest provision for the administration of justice in the British settlements in India occurs in the Charter granted by Charles the Second to the Old Company, under date the 3rd April, 1661. It is therein granted "to and with the said Governor and Company of "Merchants of London trading into the East-Indies, and their "successors, that all plantations, forts, fortifications, factories, or "colonies, where the said Company's factories and trade are or "shall be in the said East-Indies, shall be under" their "power and "command;" that they shall have authority to appoint and establish Governors and all other officers to govern them, and that the Governor and his Council of the several and respective places where the said Company have or shall have any factories or places of trade within the East-Indies, may have power to judge all persons belonging to the said Governor and Company or that shall live under them, in all causes, whether civil or criminal, according to the laws of this kingdom, and to execute judgment accordingly. And (it is continued) in case any crime or misdemeanor shall be committed in any of the said Company's factories in the said East-Indies where judicature cannot be executed as aforesaid for want of a Governor and Council there, then in such case it shall and may be lawful for the chief factor of that place and his Council to transmit the offender together with the offence to such other plantation, factory, or fort where there is a Governor and Council, where justice may be executed, or into the kingdom of England, as shall be thought most convenient, there to receive such punishment as the justice of his offence shall deserve.

On Bombay being transferred (about nine years later) power was given to the Company to make laws for that island, and to enforce them by punishments extending to the taking away of life, such laws and punishments being "consonant to reason, and not repugnant or "contrary, but as near as may be agreeable to the laws of England." This power extended to every thing belonging to the establishment of justice, "by Courts, Sessions, Forms of Judicature, and manners of "proceedings, like unto those established and used in England, and by "Judges and other officers either appointed by the Governor and "Committee at home, or by the chief Governor or Governors of Bom-"bay delegated to award process, hold pleas, judge and determine all "actions, suits, and causes whatever, and to execute all and every "such judgment;" conformity to reason, and as far as might be to the law of England being again enjoined.

The Charter of 1683 authorizes the establishment at any place which the Company might appoint, of a Court of judicature, to consist of one person learned in the civil law and two merchants, which Court was to have jurisdiction in all mercantile and maritime cases, including trespasses, injuries, and wrongs done or committed upon the high sea, or in any place within the limits of the Charter. This Court was to proceed and determine according to "equity and good conscience," and "to the laws and customs of merchants," by methods and rules to be from time to time prescribed by the Crown; and in the absence of such rules, by such ways and means as the judges in their discretion might think just. The provisions relating to this Court were confirmed and repeated by the Charter granted by James the Second in 1686; and provisions of a similar character were inserted in the Charter granted by William the Third to the English Company in 1698.

George the First, by Letters Patent dated the 24th of September, 1726, established a corporation at each of the three principal settlements, Madraspatnam, Bombay, and Calcutta (this is the order in which they stand in the instrument), consisting of a mayor and aldermen, who were constituted a Court of Record, and authorized to try, hear, and determine all civil suits, actions, and pleas between party and party. It was also to grant probate of wills and administration to intestate estates. Further, the Governor of the presidency, and certain members of the Council, were to be Justices of the Peace,

and Commissioners of Oyer and Terminer, and Gaol Delivery; but their jurisdiction did not extend to high treason. The office of Sheriff was introduced into India at the same time. This Charter was after a time surrendered, and another, varying in some respects from the former, granted by George the Second, under date the 8th of January, 1753.

The Mayor's Court at Calcutta was superseded in 1774 by the establishment of a Supreme Court of Judicature, by Letters Patent from the Crown, under the authority of the 13 Geo. 3, cap. 63. At Madras and Bombay the Mayor's Courts continued to a much later period. Under the 37 Geo. 3, cap. 142, Recorder's Courts were established at both presidencies, and the former authorities of the Mayor's Courts transferred to them. The Recorder's Courts, however, were not of any long duration: that at Madras was replaced, under the authority of the 39 & 40 Geo. 3, cap. 79, by a Supreme Court of Judicature founded on the model of that previously established at Calcutta. The 4 Geo. 4, cap. 71, sanctioned the establishment of a like Court at Bombay, which was consequently effected.

Prince of Wales Island, with a tract of country on the Peninsula of Malacca, were acquired by the East-India Company in the latter part of the last century; but no provision for the administration of English law therein was made till 1807. In that year a Recorder's Court was established by Royal Charter. In 1824, the Island of Singapore and certain possessions in Malacca, ceded by the King of the Netherlands to the Crown of Great Britain, were transferred by the 5 Geo. 4, cap. 108, to the East-India Company. The ceded possessions having become factories subordinate to the presidency of Fort William, were made subject to the Supreme Court of Judicature at that presidency; but by 6 Geo. 4, cap. 85, the Crown was empowered to make such other provision for the administration of justice in those settlements as might have been made, had the Act by which they were subjected to the Court above mentioned not existed. This provision was carried out in 1826, when the Charter granted for establishing a Recorder's Court for Prince of Wales Island was surrendered, and Singapore and the other ceded possessions being combined with Prince of Wales Island and its dependencies as one settlement, Letters Patent were granted, constituting a Recorder's Court for the whole.

LETTERS PATENT, *establishing a Supreme Court of Judicature at Fort William in Bengal, bearing date the twenty-sixth day of March, in the fourteenth Year of the Reign of George the Third, one thousand seven hundred and seventy-four.*

It will be seen from various parts of these Letters Patent, that the jurisdiction of this Court was originally limited to the provinces of Bengal, Bahar, and Orissa. By 39 & 40 Geo. 3, cap. 79, sec. 20, it was extended to Benares, and to all factories, districts, and places subject to the presidency of Fort William in Bengal. By 33 Geo. 3, cap. 52, sec. 67, offences committed by British subjects in native states may be tried in any Court in India of competent jurisdiction to try offences committed in the British territories there. The powers of the Court are defined and limited by various Acts in addition to 13 Geo. 3, cap. 63 (under which it originated), the chief of which are referred to in a note on section 22 of that Act. Since the passing of 3 & 4 Wm. 4, cap. 85, under which the Governor-General in Council first acquired the power of legislation for all Courts in India, including, save in a few excepted cases, the Courts established by Royal Charter, various alterations have been effected through the exercise of that power. Much of the Charter has thereby become inoperative.

Recital of Act 13 G. 3.

GEORGE the Third, by the grace of God, of Great Britain, France, and Ireland, King, defender of the faith, and so forth: to all to whom these presents shall come, greeting. Whereas by an Act of Parliament, passed in thirteenth year of our reign, reciting a Charter, bearing date at Westminster the eighth day of January, in the twenty-sixth year of the reign of our royal grandfather, King George the Second, of glorious memory, by him granted to the United Company of Merchants of England trading to the East-Indies; thereby, amongst other things, constituting and establishing Courts of civil, criminal, and ecclesiastical jurisdiction, at the said United Company's settlements at Madraspatnam, Bombay, and Fort William in Bengal; and that the said Charter does not sufficiently provide for the due administration of justice, in such manner as the state and condition of the Company's Presidency of Fort William in Bengal, so long as the said Company shall remain in the possession of the territorial acquisitions therein before mentioned, do and must require: it is among other things enacted, that it shall and may be lawful for us, by Charter or Letters Patent, under the great seal of Great Britain, to erect and establish a Supreme Court of Judicature at Fort William in Bengal aforesaid, to consist of a Chief Justice, and three other judges(1), being barristers of England or Ireland, of not less than five years' standing, with power to exercise and perform all civil, criminal, admiralty, and ecclesiastical jurisdiction, and to appoint such clerks, and other ministerial officers of the Supreme Court of Judicature at Fort William in Bengal, with such reasonable salaries as shall be approved of by the Governor in Council, therein for that purpose mentioned: and it was therein further enacted, that so much of the said Charter, granted by his said late Majesty, our royal grandfather, as respects or relates to the establishment of the Mayor's Court at Calcutta aforesaid, in Bengal, or to the civil,

criminal, or ecclesiastical jurisdiction thereof, in the said United Company's settlement there, or the subordinates thereto belonging, in case a new Charter shall be granted by us, in pursuance of this Act, and shall be openly published at Fort William aforesaid, from and immediately after such publication shall cease, determine, and be utterly void, to all intents and purposes: and it was further enacted, that during such time as the said territorial acquisitions shall remain in the possession of the said Company, the Court of Directors of the said United Company shall, and they are hereby required to direct, and cause to be paid certain and established salaries, to the said Chief Justice, and each of the judges of such Supreme Court of Judicature at Fort William in Bengal, as shall be by the said new Charter established; that is to say, to the Chief Justice eight thousand pounds by the year, and to each of the judges of the said Supreme Court of Judicature at Fort William in Bengal, six thousand pounds by the year; and that such salaries shall be paid and payable to each and every of them respectively, for the time being, out of the said territorial acquisitions in the kingdoms of Bengal, Bahar, and Orissa: such salaries to take place and commence, in respect of all such persons who shall be resident in Great Britain at the time of their appointment, from the day on which such persons shall embark from Great Britain (2); and such salaries to be in lieu of all fees of office, perquisites, emoluments, and advantages whatsoever, as by the said Act may more plainly and largely appear.

(1) [By section 1 of 37 Geo. 3, cap. 142, the number of puisne judges is reduced to two.]

(2) [By 53 Geo. 3, cap. 155, sec. 89, salaries commence from entry upon office only.]

Now know ye, that we, upon full consideration of the premises, and of our especial grace, certain knowledge, and mere motion, have thought fit to grant, direct, ordain, and appoint, and by these presents we do accordingly, for us, our heirs and successors, grant, direct, ordain, and appoint, that there shall be, within the factory of Fort William at Calcutta, in Bengal, a Court of Record, which shall be called the Supreme Court of Judicature at Fort William in Bengal; and we do hereby create, direct, and constitute the said Supreme Court of Judicature at Fort William in Bengal, to be a Court of Record.

A Court of Record, to be called the Supreme Court of Judicature.

And we do further will, ordain, and appoint, that the said Supreme Court of Judicature at Fort William in Bengal shall consist of, and be holden by and before one principal judge, who shall be and be called the Chief Justice of the Supreme Court of Judicature at Fort William in Bengal, and three (1) other judges, who shall be and be called the Puisne Justices of the Supreme Court of Judicature at Fort William in Bengal; which said Chief Justice and Puisne Justices shall be barristers in England or Ireland, of not less than five years' standing, to be named and appointed, from time to time, by us, our heirs and successors, by Letters Patent under our and their great seal of Great Britain; and they shall all and every of them hold their said offices, severally and respectively, during the pleasure of us, our heirs and successors, and not otherwise.

To consist of a Chief Justice and three Puisne Justices: their qualification; to be appointed by the King, under the great seal. To act during pleasure.

(1) [Now two only; see a former note.]

And it is our further will and pleasure, that the said Chief Justice and the said Puisne Justices shall, severally and respectively, be, and they are, all and every of them, hereby appointed to be justices and conservators of the peace, and coroners, within and throughout the said provinces, districts, and countries of Bengal, Bahar, and Orissa (1), and every part thereof; and to have such jurisdiction and authority as our justices of our Court of King's Bench have and may lawfully exercise within that part of Great Britain called England, by the common law thereof; and we further will and ordain, that all judgments, rules, orders, and acts of authority or power whatsoever, to be made or done by the said Supreme Court of Judicature at Fort William in Bengal, shall be made or done by and with the concurrence of the said four (2) judges, or so many or such one of them as shall be on such occasions respec-

To be justices of the peace, and coroners, in Bengal, Bahar, and Orissa; and to have such authority as the Justices of the King's Bench in England; the four, or the majority, to concur.

tively assembled or sitting as a Court, or of the major part of them so assembled and sitting: provided always, that in case they shall be equally divided, the Chief Justice, or, in his absence, the senior judge present, shall have a double or casting voice.

Chief to have a casting voice.

(1) [See introductory note.]

(2) [Three; see note (1) on the recital.]

To have a seal, to be kept by the Chief Justice, or by the senior Puisne Judge.

And we do further grant, ordain, and appoint, that the said Supreme Court of Judicature at Fort William in Bengal shall have and use, as occasion may require, a seal bearing a device and impression of our royal arms, within an exergue or label surrounding the same, with this inscription, "The Seal of the Supreme Court:" and we do hereby grant, ordain, and appoint, that the said seal shall be delivered to, and kept in the custody of the said Chief Justice: and in case of vacancy of the office of Chief Justice, the same shall be delivered over, and kept in the custody of such person who shall then be senior Puisne Judge during such vacancy; and we do hereby grant, ordain, and appoint, that whensoever it shall happen that the office of Chief Justice, or of the judge to whom the custody of the said seal be committed, shall be vacant, the said Supreme Court of Judicature at Fort William in Bengal shall be, and is hereby authorized and empowered to demand, seize, and take the said seal from any person or persons whomsoever, by what ways and means soever the same may have come to his, her, or their possession.

All writs, &c., issued by the Court, to be in the King's name.

And we do hereby further grant, ordain, and appoint, that all writs, summons, precepts, rules, orders, and other mandatory process, to be used, issued, or awarded by the said Supreme Court of Judicature at Fort William in Bengal, shall run and be in the name and style of us, or of our heirs and successors, and shall be sealed with the seal of the said Supreme Court of Judicature at Fort William in Bengal, and shall have and bear the attestation of the Chief Justice, or, in the vacancy of the said office, of the senior of the three (1) Puisne Justices, and shall be signed by the proper officer, whose duty it shall be, according to the arrangement hereinafter provided, to prepare and make out such process.

(1) [Two; see a former note.]

Chief Justice's and Puisne Justices' salaries.

And we do further grant, ordain, appoint, and declare, that the said Chief Justice, and the said Puisne Justices, shall and may, and so long as they hold the said offices respectively, shall be entitled to have and receive respectively, the salaries in and by the said recited Act of Parliament provided for that purpose; that is to say, the Chief Justice eight thousand pounds by the year, and the three Puisne Justices six thousand pounds by the year, each of them to be paid and payable in manner and form as is therein specified and directed: and we do hereby give and grant to our said Chief Justice, rank and precedence above and before all our subjects whomsoever, within the provinces of Bengal, Bahar, and Orissa (1), excepting the Governor-General for the time being of the Presidency of Fort William in Bengal, and excepting all such persons as by law and usage take place in England before our Chief Justice of our Court of King's Bench: and we do hereby also give and grant to each of our said Puisne Justices respectively, according to their respective priority of nomination, rank, and precedence, above and before all our subjects whomsoever, within the said provinces of Bengal, Bahar, and Orissa, excepting the said Governor-General, our said Chief Justice of our said Supreme Court of Judicature at Fort William in Bengal, and all and every such member, or members, of the Supreme Council there, as shall respectively, by priority of nomination, be senior or seniors to such respective Puisne Justice or Justices, and also excepting all such persons as by law and usage take place in England before our Justices of the Court of King's Bench.

Their rank.

(1) [See introductory note.]

Sheriff at Fort William to continue such until appointment of another.

And we do further, for us, our heirs and successors, grant, ordain, and appoint, that the person who shall be the sheriff at Fort William in Bengal, at the time of the publication of this our Charter, in manner hereinafter directed, shall be and continue the sheriff, until

another shall be duly appointed and sworn into the said office: and we do further, for us, our heirs and successors, grant, direct, and appoint, that the said Supreme Court of Judicature at Fort William in Bengal shall, upon the first Tuesday of December in every year, nominate three persons, resident in the town of Calcutta, or the precincts thereof, to the Governor-General and Council, or the major part of them, who, within three days after such nomination, shall appoint one of the said three persons to serve the office of sheriff for the year ensuing, to be computed from the twentieth day of December next after such appointment; which sheriff shall, as soon as conveniently may be, and before he shall enter upon his said office take an oath faithfully to execute his office, and the oath of allegiance, before the Governor-General, or in his absence, the senior member of the Council there present, who are hereby respectively authorized to administer the same; and shall continue in such office during the space of one whole year, to be computed from the said twentieth day of December, and until another shall be duly appointed and sworn into the said office; and in case such sheriff shall die in his office, or depart from the provinces of Bengal, Bahar, and Orissa, then another person shall and may, as soon as conveniently may be after the death or departure of such sheriff, be in like manner nominated, appointed, and sworn in as aforesaid, and shall continue in his office for the remainder of the year, or until another sheriff shall be duly appointed and sworn into the said office; and we do further order, direct, and appoint, that the said sheriff and his successors shall by themselves, or their sufficient deputies, to be by them appointed, and duly authorized under their respective hands and seals, and for whom he and they shall be responsible during his or their continuance in such office, and he and they are hereby authorized to execute all the writs, summons, rules, orders, warrants, commands, and process of the said Supreme Court of Judicature at Fort William in Bengal, and make return of the same, together with the execution thereof, to the said Supreme Court of Judicature at Fort William in Bengal, and to receive and detain in prison such persons as shall be committed to him for that purpose by the said Supreme Court of Judicature at Fort William in Bengal, and by the Chief Justice and Justices respectively: and we further direct, ordain, and appoint, that whenever the said Supreme Court of Judicature at Fort William in Bengal shall direct or award any process against the said sheriff, or award any process in any cause, matter, or thing, wherein the said sheriff, on account of his being related to the parties, or any of them, or by reason of any good cause of challenge, which would be allowed against any sheriff in that part of Great Britain called England, cannot by law execute the same, in every such case the said Supreme Court of Judicature at Fort William in Bengal shall name and appoint some other fit person to execute and return the same; and the said process shall be directed to the said person, so named for that purpose; and the cause of such special proceeding shall be suggested, and entered on the records of the same.

Mode of such, in future, appointment.

Sheriff's oath.

Provision, in case of death, &c., while in his office.

Sheriff's duty.

Mode of proceeding when the sheriff shall be a party.

And we do further authorize and empower the said Supreme Court of Judicature at Fort William in Bengal, from time to time, as occasion may require, to appoint so many and such clerks, and other ministerial officers, as shall be found necessary for the administration of justice, and the due execution of all the powers and authorities which are and shall be granted and committed to the said Supreme Court of Judicature at Fort William in Bengal, by these our Letters Patent. And it is our further will and pleasure, and we do hereby, for us, our heirs and successors, give, grant, direct, and appoint, that all and every the officers and clerks, to be appointed as aforesaid, shall have and receive respectively such reasonable salaries as the said Supreme Court of Judicature at Fort William in Bengal shall appoint, for each office and place respectively, and as the Governor-General and Council appointed, constituted, and created by the Act of Parliament hereinbefore mentioned, shall approve of; provided always, and it is our will and pleasure, that all and every the officers and clerks, to be appointed as aforesaid, shall be resident within the limits of the jurisdiction of the said Court, so long as they shall hold their respective offices.

Court to appoint clerks and officers, with such reasonable salaries as shall be approved of by the Governor-General and Council.

Such officers to reside within the jurisdiction of the Court.

And we do hereby further authorize and empower the said Supreme Court of Judicature at Fort William in Bengal to approve, admit, and enrol such and so many advocates and attornies at law as to the said Supreme Court of Judicature at Fort William in Bengal shall seem meet, who shall be attornies of record, and shall be, and are hereby authorized to appear and plead, and act for the suitors of the said Supreme Court of Judicature at Fort William in Bengal; and the said advocates and attornies, on reasonable cause, to remove; and no

Court to approve advocates and attornies at law, who are to plead and act for the suitors; and be removable on reasonable cause.

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other person or persons whatsoever, but such advocates or attornies, so admitted and enrolled, shall be allowed to appear and plead, or act in the said Supreme Court of Judicature at Fort William in Bengal, for or on the behalf of such suitors, or any of them.

Fees to be settled by the Court, and approved by the Governor-General in Council:

And we do hereby further authorize and empower the said Supreme Court of Judicature at Fort William in Bengal to settle a table of the fees to be allowed to such sheriff, and all other the officers, clerks, and attornies aforesaid, for all and every part of the business to be done by them respectively, which fees, when approved by the Governor and Council, to whom we hereby give authority to review the same, the said sheriff, and other officers, clerks, and attornies, shall and may lawfully demand and receive: and we do further authorize the said Supreme Court of Judicature at Fort William in Bengal, with the like concurrence of the said Governor and Council, from time to time to vary the said table of fees, as there shall be occasion: and it is our further will and pleasure, and we do hereby require and enjoin the said Chief Justice, and the said Puisne Justices, and each of them respectively, within one year after these our letters patent shall have been published at Fort William in Bengal aforesaid, and within one month from the said settling and allowance of the said table of fees, to certify, under their several hands and seals, and to transmit to us, our heirs and successors, a full and true account of the several offices and places, and officers and clerks, and of their salaries, severally and respectively, and a true copy of the said table of fees, together with the approbation of the said Governor and Council, and also any variation of the said table, to be made as aforesaid, within one month after the same shall have been so varied: and we further direct, ordain, and appoint that the said table, and the said alteration and variations thereof, if any alteration or variation shall be made, shall be hung up in some conspicuous part of the hall or place where the said Supreme Court of Judicature at Fort William in Bengal shall be publicly holden.

copy thereof to be sent to Europe, with a list of officers, clerks, &c.

Table of fees to be hung up in Court.

Court's power and jurisdiction in Bengal, &c., in all trespasses against the Company, Mayor's Court of Calcutta, or others, in Bengal, &c., or others who have resided there, or who have effects there, or are or have been in the Company's service, or of the Mayor's Court, or of others, but not against such who have never resided there, or against such who reside in Great Britain, &c.

And we do further direct, ordain, and appoint, that the said Supreme Court of Judicature at Fort William in Bengal may and shall have power and jurisdiction, and is hereby authorized to hear, examine, try, and determine, in manner hereinafter mentioned, all actions and suits which shall or may arise, happen, be brought, or promoted, upon or concerning any trespasses or injuries, of what nature or kind soever, or any debts, duties, demands, interests, or concerns, of what nature or kind soever, or any rights, titles, claims or demands, of, in, or to any houses, lands, or other things, real or personal, in the several provinces or districts called Bengal, Bahar, and Orissa (1), or touching the possession, or any interest or lien in or upon the same, and all pleas, real, personal, or mixed, the causes of which shall or may hereafter arise, accrue, and grow, or shall have heretofore arisen, accrued, and grown, against the said United Company of Merchants trading to the East-Indies, and against the said mayor and aldermen of Calcutta, at Fort William in Bengal, and against any other of our subjects, who shall be resident within the said provinces, districts, or countries called Bengal, Bahar, and Orissa (1), or who shall have resided there, or who shall have any debts, effects, or estate, real or personal, within the same, and against the executors and administrators of such our subjects, and against any other person who shall, at the time of such action being brought, or at the time when any such cause of action shall have accrued, be or have been employed by, or be or have been, directly or indirectly, in the service of the said United Company, or of the said mayor and aldermen, or of any other of our subjects: provided always, that it shall not be competent to the said Supreme Court of Judicature at Fort William in Bengal to try or determine any suit or action against such person, who shall never have been resident in the provinces of Bengal, Bahar, and Orissa (1), or any one of them, nor against any person then resident in Great Britain or Ireland, unless such suit or action, against such person so then resident in Great Britain or Ireland, shall be commenced within two years after the cause of action arose, and the sum to be recovered be not of greater value than thirty thousand rupees: and the said Supreme Court of Judicature at Fort William in Bengal shall have the like power and jurisdiction, and is hereby authorized to hear, examine, try, and determine, all such causes, actions, and suits as aforesaid, arising, growing, and to be brought or promoted against every other person or persons whatsoever, inhabitants of India, residing in the said provinces, districts, or countries of Bengal, Bahar, and Orissa (1), upon any contract or agreement in writing entered into by any of the said inhabitants, with any of his Majesty's subjects, where the cause of action shall exceed the sum of five hundred current rupees, and when such inhabitant shall have agreed in the said

Court's power to try causes, &c., of Indian inhabitants within Bengal, &c., where the cause shall exceed 500 current rupees.

contract, that, in case of dispute, the matter shall be determined in the said Supreme Court of Judicature at Fort William in Bengal.

(1) [See introductory note.]
That which immediately follows is of a technical character.

And whereas, in and by the said Charter, made and granted by our said royal grandfather King George the Second, on the eighth day of January, in the twenty-sixth year of his reign, it is among other things provided, that in case of actions or suits against the said United Company, it should be lawful for the Court thereby established to issue their summons to the Governor, or President and Council, at Fort William in Bengal, to appear for the said United Company, with further power to issue such process against the said Company, and their estate and effects, as should be necessary to compel the appearance of the said Company, and to raise and levy upon their goods, estate or effects, the debt or damages, together with such costs of suit as should be awarded by the said Court; and that in case of any action or suit to be brought by the said Company against any other person, it should be lawful for the said Governor, or President and Council, to appear and act for the said Company; and in case of judgment given against the said Company and costs awarded, the same should be levied by the said Court upon the goods and effects of the said Company, as by the said Charter may more fully appear: now we, meaning also to extend the powers and authorities hereby given and granted for the due administration of justice, in the most beneficial manner, to all our loving subjects in the said provinces, districts, or countries of Bengal, Bahar, and Orissa, do grant, ordain, and appoint, that the said Governor and Council, or their successors, shall and may from time to time, by their sufficient warrant to be filed of record, name and appoint some sufficient person, resident in the said town of Calcutta, to be the attorney of the said United Company, who shall remain and act as attorney to the said United Company, so long as he shall reside in Calcutta, or until some other fit person there resident shall be appointed in his place, in manner above mentioned. And if any such plaint as aforesaid shall be filed in the said Supreme Court of Judicature at Fort William in Bengal against the said United Company, the said Supreme Court of Judicature at Fort William in Bengal may, and is hereby empowered to award and issue such summons or precept as aforesaid, directed to the said sheriff, commanding him to summon the said United Company, by their said attorney, to appear at a time and place therein to be specified, to answer the said plaint, and the said sheriff shall serve the same upon the said attorney, and the said attorney shall thereupon appear for the said Company; and if the said United Company shall not appear in manner aforesaid upon the return of the said writ, the said Supreme Court of Judicature at Fort William in Bengal may, and is hereby authorized, upon such default, to award and issue a writ, to be prepared in manner before mentioned, and directed to the said sheriff, commanding him to seize and sequester such and so much of the estate and effects of the said Company as, upon the circumstances, the said Supreme Court of Judicature at Fort William in Bengal shall think fit, to compel the appearance of the said Company at the time and place which shall be specified for that purpose in such writ of sequestration: and for default of appearance upon the return of such last-mentioned writ, the said Supreme Court of Judicature at Fort William in Bengal may, and is hereby empowered to issue other such writ or writs of sequestration from time to time till the said Company shall duly appear; and after such appearance the said Supreme Court of Judicature at Fort William in Bengal shall and may proceed to hear, examine, try, and determine, the said action and suits in manner before mentioned. And if judgment shall be given in such action or suit against the said Company, the said Supreme Court of Judicature at Fort William in Bengal may, and is hereby empowered to award and order reasonable costs to be paid by the said Company, and to cause the debt or damages and costs so awarded to be raised and levied of the estates, goods, and chattels of the said Company, in such manner as is hereinbefore provided for execution to be had in other actions and suits. And if the said Governor and Council shall refuse or neglect, at any time, to make such attorney, the said Supreme Court of Judicature at Fort William in Bengal are hereby empowered and authorized to name an attorney for the said United Company, against whom process shall in like manner be awarded. And the

Recital of former proceedings, either where the Company are plaintiffs or defendants:

Company to appoint an attorney to act on their behalf.

Form of proceedings.

And if the Company refuse to appoint an attorney, the Court may appoint one.

Form of proceedings.

said United Company may also sue in the said Supreme Court of Judicature at Fort William in Bengal, in the same manner, and to the same effect, as other persons hereinbefore mentioned; and if judgment should be given against the said United Company, the said Supreme Court of Judicature at Fort William in Bengal may order reasonable costs to be paid by them to the defendant, and to be raised and levied of their lands, houses, debts, estates, goods, and chattels, in such manner as is herein provided for execution of judgments on other occasions. And if the said United Company, after four sequestrations, and after the expiration of two years from the service of the summons above mentioned, shall not appear, then the said Supreme Court of Judicature at Fort William in Bengal may, and is hereby required, if the plaintiff shall, by affidavit, or, being a Quaker, by affirmation in writing or otherwise, to the satisfaction of the said Supreme Court of Judicature at Fort William in Bengal, make proof, verifying his demand, to proceed, hear, examine, try, and determine the said plaint and cause, and to give such judgment therein, and award such costs as aforesaid; and in case the said judgment shall pass for the plaintiff, the said Supreme Court of Judicature at Fort William in Bengal is hereby authorized and empowered to award and issue a writ to the said sheriff, to be prepared in manner before mentioned, commanding him to sell the goods and effects so seized and sequestered, and to make satisfaction, out of the produce thereof, to the plaintiff for the duty so recovered, and his costs, and to return the overplus, if any there be, after satisfying the said judgment and costs, and expenses of the said sequestration, to such person in whose possession the said effects were so seized, to and for the use of the said United Company; and if such effects are not sufficient to produce the sum so to be recovered, and the said costs, the said Supreme Court of Judicature at Fort William in Bengal is further empowered to award and issue such process of execution for the deficiency as is heretofore provided for levying money recovered by judgment and costs. And if judgment shall, in any case, pass for the said United Company, the said Supreme Court of Judicature at Fort William in Bengal is hereby authorized and empowered to award and order costs of the said suit, and the expense of the said sequestration, and all the damages occasioned thereby, being first taxed, ascertained, and assessed by the proper officer, to be paid by the said plaintiff to the person in whose possession the said effects were seized, to and for the use of the United Company; and the same shall be levied by such process as is hereinbefore provided for levying costs.

Disputes between Indian natives and British subjects may, by agreement, be determined in the Supreme Court; and causes of action, exceeding 500 current rupees, and suits brought in other Courts, either party may appeal to the Supreme Court, which is to cause proceedings in other Courts to surcease, and Supreme Court to determine thereupon.

And whereas contracts, or agreements in writing, may be entered into by some of the inhabitants of India, residing in the said provinces or districts of Bengal, Bahar, and Orissa (1), or some of them, or some part thereof, with our British subjects, or some of them, wherein such inhabitant or inhabitants may agree that, in case of dispute, the matter should be heard and determined in the said Supreme Court of Judicature at Fort William in Bengal, and whereupon a cause or causes of action may arise, exceeding in value respectively the sum of five hundred current rupees, and suits may be brought thereupon, in some of the Courts of justice already established in the said provinces or districts, we do hereby further grant, ordain, establish, and appoint, that in such cases it shall be lawful for either party, before or after sentence or judgment pronounced therein, by his, her, or their humble petition, suggesting such agreement in writing as aforesaid, and verifying the same upon oath, to appeal to the said Court of Judicature at Fort William in Bengal, and upon such petition preferred, and filed of record, in the said Supreme Court of Judicature at Fort William in Bengal, the said Supreme Court of Judicature at Fort William in Bengal may, and is hereby authorized to award and issue a writ, or precept, to be prepared in manner and form above mentioned, directed to the other party or parties, commanding him, her, or them, immediately to surcease proceeding further in such suit or suits; and thereupon such Supreme Court shall determine thereupon according to right and justice, in like manner as if no proceedings had been in such other Court of justice.

(1) [See introductory note.]

Supreme Court to be a Court of Equity, as the Court of Chancery in Great Britain, and to compel appearance, &c., accordingly.

And it is our further will and pleasure, and we do hereby, for us, our heirs and successors, grant, ordain, and establish, that the said Supreme Court of Judicature at Fort William in Bengal should also be a Court of Equity, and shall and may have full power and authority to administer justice in a summary manner, as nearly as may according to the rules and pro-

ceedings of our High Court of Chancery in Great Britain; and, upon a bill filed, to issue subpœnas, and other process, under the seal of the said Supreme Court of Judicature at Fort William in Bengal, to compel the appearance and answer upon oath of the parties therein complained against, and obedience to the decrees and orders of the said Court of Equity, in such manner and form, and to such effect, as our High Chancellor of Great Britain doth, or lawfully may, under our great seal of Great Britain.

Supreme Court to be a Court of Oyer and Terminer and Gaol Delivery.

And it is our further will and pleasure, and we do hereby grant, ordain, and appoint, that the said Supreme Court of Judicature at Fort William in Bengal shall also be a Court of Oyer and Terminer and Gaol Delivery, in and for the town of Calcutta, and factory of Fort William in Bengal aforesaid, and the limits thereof, and the factories subordinate thereunto; and shall have the like power and authority as Commissioners or Justices of Oyer and Terminer and Gaol Delivery have or may exercise in that part of Great Britain called England, to inquire, by the oaths of good and sufficient men, of all treasons, murders, and other felonies, forgeries, perjuries, trespasses, and other crimes and misdemeanors, heretofore had, done, or committed, or which shall hereafter be had, done, or committed within the said town or factory, and the limits aforesaid, and the factories subordinate thereto; and for that purpose, to issue their warrant or precept, to be prepared in manner above mentioned, and directed to the said sheriff, commanding him to summon a convenient number, therein to be specified, of the principal inhabitants resident in the said town of Calcutta, being subjects of Great Britain (1), of us, our heirs and successors, to attend and serve, at a time and place therein also to be specified, as a grand jury or inquest, for us, our heirs and successors, and present to the said Supreme Court of Judicature at Fort William in Bengal such crimes as shall come to their knowledge, and the said crimes and offences to hear and determine, by the oaths of other good and sufficient men, being subjects of Great Britain (1), of us, our heirs or successors, and resident in the said town of Calcutta, and for that purpose to issue a summons or precept, prepared in such manner as is before mentioned, and directed to the said sheriff, commanding him to summon a convenient number, to be therein specified, of such British subjects (1) as aforesaid, to be and appear, at a time and place therein to be specified, and to try the said indictment or inquest. And if any such grand or petit jury, so summoned as aforesaid, shall refuse or neglect to attend, according to such summons, and be sworn upon inquest, we do hereby further empower the said Supreme Court of Judicature at Fort William in Bengal to punish the said contempt, by fine or imprisonment, or both. And we do further empower the said Supreme Court of Judicature at Fort William in Bengal, in like manner and under the like penalties, to cause all such witnesses as justice shall require to be summoned, and to administer to them and each of them the proper oaths; that is to say, an oath upon the holy Evangelists of God, to such as profess the Christian religion; and to others, such oaths, and in such manner as the said Supreme Court of Judicature at Fort William in Bengal shall esteem to be most binding upon their consciences; and to proceed to hear, examine, try, and determine the said indictments and offences, and to give judgment thereupon, and award execution thereof, and in all respects to administer criminal justice, in such or the like manner and form, or as nearly as the condition and circumstance of the place and the persons will admit of, as our Courts of Oyer and Terminer and Gaol Delivery do or may, in that part of Great Britain called England.

Sheriff to summon grand juries.

Sheriff to summon petit juries.

Punishment for non-attendance of juries.

Witnesses to be summoned and sworn.

Criminal justice to be administered, as in Courts of Oyer and Terminer in Great Britain.

(1) [For the law as to the eligibility of jurors, see 7 Geo. 4, cap. 37, secs. 1 and 2; and 2 & 3 Wm. 4, cap. 117, sec. 2.]

Supreme Court may reprieve or suspend execution of sentence until the King's pleasure is known, to whom a state of the case, &c., is to be sent; in the mean time the offenders may be detained, or delivered on bail.

And whereas cases may arise, wherein it may be proper to remit the general severity of the law, we do hereby authorize and empower the said Supreme Court of Judicature at Fort William in Bengal to reprieve and suspend the execution of any capital sentence, wherein there shall appear, in their judgment, a proper occasion for mercy, until our pleasure shall be known; and they shall, in such case, transmit to us, under the seal of the Supreme Court of Judicature at Fort William in Bengal, a statement of the said case, and of the evidence, and of their reasons for recommending the criminal to our mercy; and in the mean time they shall cause such offender to be kept in strict custody, or deliver him or her out to sufficient mainprize or bail, as the circumstances shall seem to require. (1)

(1) [By Act of Government of India, No. 7 of 1837, such offender may be set at liberty on his own recognizance.]

Supreme Court to exercise ecclesiastical jurisdiction in Bengal, Bahar, and Orissa, on British subjects, as is exercised in the diocese of London.

Power to proceed in all causes, suits, &c., against British subjects of ecclesiastical cognizance.

To grant probates of last wills of British subjects dying within Bengal, Bahar, and Orissa: to commit letters of administration of intestates.

Form of proceedings therein as in the diocese of London.

To sequester estates of deceased persons;

to allow and reject accounts.

Proviso,

if an executor appears after letters of administration are granted.

To whom letters of administration are to be granted.

And it is our further will and pleasure, and we do hereby grant, ordain, establish, and appoint, that the said Supreme Court of Judicature at Fort William in Bengal shall be a Court of Ecclesiastical Jurisdiction, and shall have full power and authority to administer and execute within and throughout the said provinces, districts, or countries, called Bengal, Bahar, and Orissa (1), and towards and upon our British subjects there residing, the ecclesiastical law, as the same is now used and exercised in the diocese of London in Great Britain, so far as the circumstances and occasions of the said provinces and people shall admit or require: and to that purpose, we give and grant to the said Supreme Court of Judicature at Fort William in Bengal, full power and authority to take cognizance of, and proceed in all causes, suits, and business belonging and appertaining to the Ecclesiastical Court, before the said Supreme Court of Judicature at Fort William in Bengal, in whatsoever manner to be moved, as well at the instance or promotion of parties as of office, mere or mixed, against any of our British subjects residing at the said provinces, countries, or districts, and which by the law and custom of the said diocese of London are of ecclesiastical cognizance; and the said causes, suits, and business, with their incidents, emergents, and dependents, and whatsoever is thereto annexed, and therewith connected, to hear, despatch, discuss, determine, and also to grant probates, under the same seal of the said Supreme Court of Judicature at Fort William in Bengal, of the last wills and testaments of all or any of the said British subjects of us, our heirs and successors, dying within the said three provinces, countries, or districts of Bengal, Bahar, and Orissa (1); and to commit letters of administration, under some seal, of the goods, chattels, credits, and all other effects whatsoever of such British subjects as aforesaid, who shall die intestate within the said three provinces, countries, or districts (1), or who shall not have named an executor resident in such districts, or where the executor, being duly cited according to the form now used for that purpose in the said diocese of London, shall not appear and sue forth such probate, annexing the will to the said letters of administration, where such person shall have left a will without naming any executor, or any person for executor, who shall then be alive, and resident within the said three provinces, countries, or districts, and who, being duly cited thereunto, will appear and sue forth a probate thereof; and to sequester the goods, chattels, credits, and other effects whatsoever of such persons so dying, in cases allowed by law, as the same is and may now be used in the said diocese of London; and to demand, require, take, hear, examine, and allow, and, if occasion require, to disallow and reject the account of them, in such manner and form as is now used, or may be used, in the said diocese of London, and to do all other things whatsoever needful and necessary in that behalf: provided always, and we do hereby authorize and require the said Supreme Court of Judicature at Fort William in Bengal, in such cases as aforesaid, where letters of administration shall be committed, with the will annexed, for want of an executor appearing in due time to sue forth the probate, to reserve in such letters of administration full power and authority to revoke the same, and to grant probate of the said will to such executor whenever he shall duly appear, and sue forth the same: and we do hereby further authorize and require the said Supreme Court of Judicature at Fort William in Bengal to grant and commit such letters of administration, according to the course now used, or which lawfully may be used in the said diocese of London, to the lawful next of kin of such persons so dying as aforesaid; and in case no such person then be residing within the jurisdiction of the said Supreme Court of Judicature at Fort William in Bengal, or, being duly cited, shall not appear, and pray the same, to the principal creditor of such person, or such other creditor as shall be willing or desirous to obtain the same; and for want of any creditor appearing, then to such other person or persons who shall be thought proper by the said Supreme Court of Judicature at Fort William in Bengal.

(1) [See introductory note.]

Administrators to give security to the junior justice to the value of the estate.

And we do hereby further enjoin and require, that every person to whom such letters of administration shall be committed, shall, before the granting thereof, give sufficient security, by bond, to the junior justice of the said Supreme Court of Judicature at Fort William in Bengal, for the payment of a competent sum of money, with two or more able sureties, respect

being had in the sum therein to be contained, and in the ability of the sureties, to the value of the estate, credits, and effects of the deceased; which bond shall be deposited in the said Supreme Court of Judicature at Fort William in Bengal, among the records thereof, and there safely kept; and a copy thereof shall also be recorded among the proceedings of the said Supreme Court of Judicature at Fort William in Bengal; and the condition of the said bond shall be to the following effect: "That if the above-bounden administrator of the goods, "chattels, and effects of the deceased, do make, or cause to be made, a true and perfect "inventory of all and singular the goods, credits, and effects of the said deceased, which "have or shall come to the hands, possession, or knowledge of him the said administrator, "or the hands or possessions of any other person or persons for him, and the same, so made, "do exhibit, or cause to be exhibited, into the Supreme Court of Judicature at Fort William "in Bengal, at or before a day therein to be specified, and the same goods, chattels, credits, "and effects, and all other the goods, chattels, credits, and effects of the said deceased, at the "time of his death, or which, at any time afterwards, shall come to the hands or possession, "or to the hands and possession of any other person or persons for him, shall well and truly "administer, according to law, and further shall make, or cause to be made, a true and just "account of his said administration, at or before a time therein to be specified, and all the rest "and residue of the said goods, chattels, credits, and effects, which shall be found remaining "upon the said administration account, the same being first examined and allowed of, by the "said Supreme Court of Judicature at Fort William in Bengal, shall deliver and pay unto "such person or persons respectively as shall be lawfully entitled to such residue, then this "obligation to be void and of none effect, or else to remain in full force and virtue."

How bond to be kept and recorded.

Form of the condition of the bond.

And we do hereby authorize the said Supreme Court of Judicature at Fort William in Bengal to constitute and appoint such and so many registrars, proctors, apparitors, and other officers, as from time to time there shall be occasion for, and to do and perform all other matters and things needful and necessary in or concerning the premises, although, by their own nature, they may require a more special warrant or mandate.

Court to appoint registrars, proctors, &c.

And we do hereby authorize and empower the said Supreme Court of Judicature at Fort William in Bengal to appoint guardians and keepers for infants, and their estates, according to the order and course observed in that part of Great Britain called England, and also guardians and keepers of the persons and estates of natural fools, and of such as are or shall be deprived of their understanding or reason, by the act of God, so as to be unable to govern themselves and their estates, which we hereby authorize and empower the said Supreme Court of Judicature at Fort William in Bengal to inquire, hear, and determine, by inspection of the person, or by such other ways and means by which the truth may best be discovered and known.

Court to appoint guardians of infants, and of insane, &c. persons, aud of their estates.

And it is our further will and pleasure, and we do hereby grant, ordain, establish, and appoint, that the said Supreme Court of Judicature at Fort William in Bengal shall be a Court of Admiralty, in and for the said provinces, countries, or districts of Bengal, Bahar, and Orissa (1), and all other territories and islands adjacent thereunto, and which now are or ought to be dependent thereupon. And we do hereby commit and grant to the said Supreme Court of Judicature at Fort William in Bengal full power and authority to take cognizance of, hear, examine, try, and determine all causes, civil and maritime, and all pleas of contracts, debts, exchanges, policies of assurance, accounts, charter-parties, agreements, loading of ships, and all matters and contracts which, in any manner whatsoever, relate to freight, or money due for ships hired and let out, transport money, maritime usury or bottomry, or to extortions, trespasses, injuries, complaints, demands, and matters, civil and maritime, whatsoever, between merchants, owners and proprietors of ships and vessels, employed or used within the jurisdiction aforesaid, or between others, contracted, done, had, or commenced, in, upon, or by the sea or public rivers, or ports, creeks, harbours, and places overflown, within the ebbing and flowing of the sea and high-water mark, within, about, and throughout the said three provinces, countries, or districts of Bengal, Bahar, and Orissa (1), and all the said territories or islands adjacent thereunto and dependent thereupon, the cognizance whereof doth belong to the jurisdiction of the Admiralty, as the same is used and exercised in that part of Great Britain called England, together with all and singular their incidents, emergents, and dependencies, annexed and connexed causes whatsoever; and to proceed summarily therein, with all possible despatch, according to the course of our Admiralty of that part of Great

Supreme Court to be a Court of Admiralty.

Their power, and in what causes to proceed.

Extent of jurisdiction, which is to be exercised as in Great Britain, without the strict formalities of law.

Britain called England, without the strict formalities of law, considering only the truth of the fact and the equity of the case.

(1) [See introductory note.]

Further power in regard to crimes maritime.

And we do further commit to the said Supreme Court of Judicature at Fort William in Bengal full power and authority to inquire, hear, try, examine, and determine, by the oaths of honest and lawful men, being our British subjects (1), resident in the said town of Calcutta, and not otherwise, all treasons, murders, piracies, robberies, felonies, maimings, forestalling, extortions, trespasses, misdemeanors, offences, excesses, and enormities, and maritime crimes whatsoever, according to the laws and customs of the Admiralty, in that part of Great Britain called England, done, perpetrated, or committed upon the high seas, within the limits and jurisdiction aforesaid (2); and to fine, imprison, correct, punish, chastise, and reform parties guilty, and all violators of the law, usurpers, delinquents, contumacious absenters, masters of ships, mariners, rowers, fishers, shipwrights, and other workmen exercising any kind of maritime affairs, according to the said civil and maritime laws, ordinances, and customs, and their respective demerits: and to deliver and discharge persons imprisoned in that behalf, who ought to be delivered, and to take recognizances, obligations, stipulations, and cautions, as well to our use as at the instance of other parties, and to put the same in execution, or to cause or command them to be executed; and also to arrest, or cause or command to be arrested, according to the civil law, and the ancient customs of our High Court of Admiralty in that part of Great Britain called England, all ships, persons, things, goods, wares, and merchandizes, for the premises, and every of them, and for other causes whatsoever concerning the same, wheresoever they shall be met with or found, in or throughout the said districts and jurisdictions aforesaid; and to compel all manner of persons in that behalf, as the case shall require, to appear and answer in the said Court, with power of using any temporal coercion, and inflicting mulcts and penalties, according to the laws and customs aforesaid; and moreover to compel witnesses, in case they should withdraw themselves for interest, fear, favour, or ill-will, or other cause whatsoever, to give evidence to the truth, in all or every the cause or causes above mentioned, according to the exigencies of the law, and to proceed in such cause or causes, according to the civil and maritime laws and customs, as well as of mere office mixed, or promoted, at the instance of any party, as the case may require; and to promulge and interpose all manner of sentences and decrees; and put the same in execution, according to the course and order of the Admiralty, as the same is now used in that part of Great Britain called England.

To punish offenders,

and to deliver and discharge them.

May arrest ships, &c.

To compel persons to appear under penalties.

Witnesses to answer according to the law civil and maritime, as is now used in Great Britain.

(1) [See 7 Geo. 4, cap. 37, and 2 & 3 Wm. 4, cap. 117.]

(2) [By 33 Geo. 3, cap. 52, sec. 156, the jurisdiction of the Court is extended to crimes committed upon any part of the high seas.]

Affidavits and affirmations in the Court of Admiralty.

And we do hereby ordain and appoint, that all affidavits taken in the said Supreme Court of Judicature at Fort William in Bengal, or before any justice thereof, shall be made on oaths, administered in such form and manner as is before directed in the case of witnesses to be examined before the said Supreme Court of Judicature at Fort William in Bengal.(1) And that in all civil cases, the affirmation in writing of a Quaker, which the said Court, or any justice of the said Supreme Court of Judicature at Fort William in Bengal, as the case may require, are hereby authorized and empowered to take, shall be of the same weight, authority, and effect, as an affidavit upon oath.(1) Provided always, that the several powers and authorities hereby to proceed in maritime causes, and according to the laws of the Admiralty, shall extend, and be construed to extend, only to the subjects of us, our heirs or successors, who shall reside in the kingdoms or provinces of Bengal, Bahar, and Orissa (2), or some of them, and to persons who shall, when the cause of suit or complaint shall have arisen, have been employed by, or shall then have been, directly or indirectly, in the service of the said United Company, or of any of our subjects.(2)

(1) [See 9 Geo. 4, cap. 74, secs. 36 and 37.]

(2) [See introductory note, and note (2) on the section immediately preceding.]

And we do hereby reserve to ourselves, our heirs and successors, all amerciaments, fines, ransoms, and forfeitures, to be set and imposed by the said Supreme Court of Judicature at Fort William in Bengal, or otherwise incurred: provided always, that it shall be lawful, and we hereby authorize and empower the said Supreme Court of Judicature at Fort William in Bengal to make such satisfaction to prosecutors of informations or indictments, as to the said Supreme Court of Judicature at Fort William in Bengal shall seem reasonable and fit, out of any fine to be by them set or imposed upon any person or persons who shall be convicted on such prosecutions.(1)

Fines, &c., reserved to the King.

Satisfaction to be made to prosecutors out of fines set by the Court.

(1) [By 17 & 18 Vict. cap. 95, sec. 27, all fines and penalties incurred by sentence of any Court of justice within the territories of the East-India Company are placed at the disposal of the Company in trust for her Majesty for the service of the Government of India.]

And it is our further will and pleasure, and we do hereby direct, establish, and ordain, that if any person shall find him, her, or themselves aggrieved by any judgment, decree, order, or rule of the said Supreme Court of Judicature at Fort William in Bengal, in any case whatsoever, it shall and may be lawful for him and them to appeal to us, our heirs or successors, in our or their Privy Council, in such manner and under such restrictions and qualifications as are hereinafter mentioned; that is to say, in all judgments, decrees, or decretal orders, made by the said Supreme Court of Judicature at Fort William in Bengal in any civil cause, the party and parties against whom, or to whose immediate prejudice, the said judgment, decree, or decretal order shall be or tend, may, by his or their humble petition, to be preferred for that purpose to the said Supreme Court of Judicature at Fort William in Bengal, pray leave to appeal to us, our heirs or successors, in our or their Privy Council, stating in such petition the cause or causes of appeal; and in case such leave to appeal shall be prayed by the party or parties, who is or are directed to pay any sum of money, or to perform any duty, the said Supreme Court of Judicature at Fort William in Bengal shall, and is hereby empowered to award, that such judgment, decree, rule, or order, shall be carried into execution, or that sufficient security shall be given for the performance of the said judgment, decree, rule, or order, as shall be most expedient to real and substantial justice; provided always, that where the said Supreme Court of Judicature at Fort William in Bengal shall think fit to order the judgment, decree, rule, or order to be executed, security shall be taken from the other party or parties, for the due performance of such order or decree, as we, our heirs or successors, shall think fit to make thereupon. And in all cases we will and require, that security should also be given to the satisfaction of the said Supreme Court of Judicature at Fort William in Bengal, for the payment of all such costs as the said Supreme Court of Judicature at Fort William in Bengal may think likely to be incurred by the said appeal, and also for the performance of such judgment or order as we, our heirs or successors, shall think fit to give or make thereupon. And upon such order or orders of the said Supreme Court of Judicature at Fort William in Bengal thereupon made, being performed to their satisfaction, the said Supreme Court of Judicature at Fort William in Bengal shall allow the appeal, and the party or parties, so thinking him, her, or themselves aggrieved, shall be at liberty to prefer and prosecute his, her, or their appeal, to us, our heirs or successors, in our or their Privy Council, in such manner and form, and under such rules, as are observed in appeals made to us from our plantations or colonies, or from the islands of Guernsey, Jersey, Sark, and Alderney.

Appeal allowed to the King in Council from the Supreme Court, in civil causes, by petition to that Court.

Security on such appeal, for costs and for performance of judgment.

And it is our further will and pleasure, and we do hereby direct and ordain, that in all such cases the said Supreme Court of Judicature at Fort William in Bengal shall certify and transmit, under the seal of the said Supreme Court of Judicature at Fort William in Bengal,

Supreme Court on such appeal to transmit a copy of all evidence.

to us, or our heirs or successors, our or their Privy Council, a true and exact copy of all the evidence, proceedings, judgments, decrees, and orders, had or made in such causes appealed.

In criminal suits the Court may allow or deny appeal, and regulate the terms.

And it is our further will and pleasure, that in all indictments, informations, and criminal suits and causes whatsoever, the said Supreme Court of Judicature at Fort William in Bengal shall have the full and absolute power and authority to allow or deny the appeal of the party pretending to be aggrieved, and also to award, order, and regulate the terms upon which such appeals shall be allowed, in such cases in which the said Supreme Court of Judicature at Fort William in Bengal may think fit to allow such appeal.

Reservation of power in the King to refuse an appeal.

Court to execute judgments and orders of his Majesty.

No appeals to be allowed except the petition shall be preferred within six months, and unless the matter shall exceed 1,000 pagodas.

And we do hereby also reserve to ourself, our heirs and successors, in our or their Privy Council, full power and authority, upon the humble petition of any person or persons aggrieved by a judgment, decree, or decretal, or other order or rule of the said Supreme Court of Judicature at Fort William in Bengal, to refuse or admit his, her, or their appeal therefrom, upon such terms, and under such limitations, restrictions, and regulations, as we or they shall think fit, and to reform, correct, or vary such judgment, decree, or orders, as to us or them shall seem meet. And we do further direct and ordain, that the said Supreme Court of Judicature at Fort William in Bengal shall in all such cases confirm and execute, or cause to be executed, such judgments and orders as we shall think fit to make in the premises, in such manner as any original judgment, decree or decretal, or other order or rule by the said Supreme Court of Judicature at Fort William in Bengal, should or might have been executed: provided always, that no appeal shall be allowed by the said Supreme Court of Judicature at Fort William in Bengal, unless the petition for that purpose shall be preferred within six months from the day of pronouncing the judgment, decree, or decretal order complained of, and unless the value of the matter in dispute shall exceed the sum of one thousand pagodas. (1)

(1) [On the subject of appeal see 3 & 4 Wm. 4, cap. 41. By Order in Council dated 10th April, 1838, the sum of 10,000 Company's rupees is fixed as the *minimum* for which an appeal from any Court in India may be preferred as matter of right.]

Governor-General and Council, Chief and other justices, not to be arrested, except for treason or felony;

their goods and estates may be seized and sequestered.

Provided also, and we do hereby limit and declare, that the person or persons of the Governor-General, or of any of the Council, appointed in and by the above-recited Act of Parliament, or of the Chief Justice, or any of the justices of the said Supreme Court of Judicature at Fort William in Bengal, hereby erected and created, shall not, nor shall any of them respectively, be subject or liable to be arrested or imprisoned, upon any action, suit, or proceeding in the said Court, except in cases of treason or felony; nor shall the said Supreme Court of Judicature at Fort William in Bengal be competent to hear, try, and determine any indictment or information against the said Governor-General, or any of the said Council for the time being, for any offence, not being treason or felony, which the said Governor-General, or any of the said Council, shall or may be charged with having committed in Bengal, Bahar, or Orissa (1), any thing hereinbefore contained to the contrary notwithstanding; but in all such cases above mentioned, wherein a *capias*, or process for arresting the body is hereby given and provided, it shall and may be lawful for the said Supreme Court of Judicature at Fort William in Bengal to order the goods and estate of such persons to be seized and sequestered, until he or they shall respectively appear and yield obedience to the judgment, decree or decretal, or other order or rule of the said Court.

(1) [See introductory note.]

Court-room for holding Supreme Court to be provided.

Chief Justice to be sworn.

And it is our further will and pleasure, and we do hereby direct, ordain, and appoint, that the said Chief Justice and other justices shall respectively assemble themselves, in a proper court or room, to be by them appointed for that purpose, forthwith after their respective arrivals at the said town of Calcutta in Bengal aforesaid; and before they shall proceed to execute the above-mentioned powers or authorities, or any of them, the said Chief Justice shall then and there take an oath, in the most solemn manner, that he will, to the best of his

knowledge, skill, and judgment, duly and justly execute the office of chief justice of the said Supreme Court of Judicature at Fort William in Bengal, and impartially administer justice in every cause, matter, or thing which shall come before him; and shall also take the oath of allegiance and supremacy, and make and subscribe the declaration against transubstantiation, in such manner and form as the same are by law appointed to be taken or made in Great Britain; of which oaths a record shall be forthwith made: and we do hereby authorize the said puisne justices, or so many of them as shall be so assembled, to administer the said oaths and declarations, and make such record thereof accordingly; after which the said puisne justices, or so many of them as shall then and there be present, shall take the like oaths, and make and subscribe the like declarations, only changing what ought to be changed for that purpose, before the said Chief Justice, of which oaths also a record shall be forthwith made: and we do hereby authorize the said Chief Justice to administer the said oaths and declarations, and record the same accordingly; or if the said Chief Justice, or any other of the said justices shall be dead, or unavoidably absent, by sickness or otherwise, we do hereby authorize the next justice of the said Supreme Court of Judicature at Fort William in Bengal, who shall be there present, to take and administer the said oaths, and act in all respects as the Chief Justice should have done: and we do hereby further ordain and establish, that all and every succeeding Chief Justice and puisne justices shall, before he or they be capable of exercising the said office, respectively take, in open court, the like oaths, and make and subscribe the like declaration, only changing what ought to be changed for that purpose; whereof records shall be made and filed among the other records of the Court from time to time; and after the said Chief Justice and puisne justices, or so many of them as shall then and there assemble and be present, shall have taken the said oaths, and made and subscribed the like declaration, the said Supreme Court of Judicature at Fort William in Bengal shall be proclaimed and published in due manner, and proceed forthwith to the execution of the several authorities hereby vested in it.

Puisne justices to be sworn.

All future justices to be sworn before they can act.

Parts of the Charter have been omitted, as having ceased, from change of circumstances and other causes, to require insertion.

Letters Patent, *establishing a New Court of Judicature at Fort Saint George in the East-Indies, bearing Date the twenty-sixth Day of December, in the forty-first Year of the Reign of George the Third, one thousand eight hundred.*

The Charter of the Supreme Court at Bombay, subsequently granted, differing in some particulars from that of Fort Saint George, a few notes are inserted marking certain of the points of difference. It is also to be understood that much of the Charter is omitted, and among the parts omitted is the recital of various Charters and Acts of Parliament at the commencement. After the recital, the Charter proceeds as follows:—

Now know ye, that we, upon full consideration of the premises, and of our especial grace, certain knowledge, and mere motion, have thought fit to grant, direct, ordain, and appoint, and by these presents we do accordingly, for us, our heirs and successors, grant, direct, ordain, and appoint that there shall be, within the settlement of Fort Saint George, a Court

Establishment of a Court of Record, to be called the Supreme Court of Judicature at Madras.

of Record, which shall be called the Supreme Court of Judicature at Madras. We do hereby create, direct, and constitute the said Supreme Court of Judicature at Madras to be a Court of Record.

To consist of a Chief Justice and two Puisne Justices.

And we do further will, ordain, and appoint that the said Supreme Court of Judicature at Madras shall consist of and be holden by and before one principal judge, who shall be and be called the Chief Justice of the Supreme Court of Judicature at Madras, and two other judges, who shall be and be called the Puisne Justices of the Supreme Court of Judicature at Madras; which Chief Justice and puisne justices shall be barristers, in England or Ireland, of not less than five years' standing, to be named and appointed from time to time by us, our heirs and successors, by letters patent under our and their great seal of Great Britain, whilst such seal shall be used, and afterwards under our and their great seal of the United Kingdom of Great Britain and Ireland: and such Chief Justice and puisne justices, and all and every of them, shall hold their said offices severally and respectively during the pleasure of us, our heirs and successors, and not otherwise.

Their qualification and mode of appointment.

Their rank.

And we do hereby give and grant to our said Chief Justice rank and precedence above and before all our subjects whomsoever, within the territories subject to the Government of Fort Saint George aforesaid; excepting the Governor-General for the time being of the Presidency of Fort William in Bengal, and the Governor of Fort Saint George for the time being; and, excepting all such persons as by law and usage take place in England before our Chief Justice of our Court of King's Bench. And we do hereby also give and grant to each of our said puisne justices respectively, according to their respective priority of nomination, rank, and precedence above and before all our subjects whomsoever, within the territories subject to the Government of Fort Saint George; excepting the said Governor-General for the time being of the Presidency of Fort William in Bengal, and the Governor of Fort Saint George for the time being; and excepting our said Chief Justice of our said Supreme Court of Judicature at Madras, and all and every the member and members of the Council there; and also excepting all such persons as by law and usage take place in England before our justices of the Court of King's Bench.(1)

(1) [By the Charter of the Supreme Court of Bombay, the Chief Justice takes precedence there of all persons except the Governor-General and the Governor of Bombay. The Governor of Fort Saint George takes precedence of the puisne judges at Bombay, as do also the Bishop of Calcutta and the members of the Council of Bombay. When the Charter of the Madras Court was granted, there was no bishop's see in India, and only that of Calcutta at the time of granting the Bombay Charter.]

The powers of the Court throughout Madras are to be similar to those of the Court of King's Bench in England. The provisions relating to the amount of salaries are void, they being now regulated by 6 Geo. 4, cap. 85. The judges are prohibited from engaging in any other office or employment. A sheriff is to be appointed, whose duties are defined. The Court is to admit to practise English barristers, attornies, and solicitors of the Courts at Westminster, and persons "being otherwise capable" according to rules to be made by the Court. In the Bombay Charter the words "being otherwise "capable" are omitted. By 3 & 4 Wm. 4, cap. 85, sec. 115, the being entitled to practise as an advocate in the principal Courts of

Scotland is a qualification for admission as an advocate for any Court in India. The Court is to appoint clerks and other officers, and to exercise its jurisdiction over native suitors according to prescribed rules as to their religious belief. The following clause embraces various matters which excited considerable sensation in the Bengal territories shortly after the establishment of the Supreme Court there, and led to the passing of the Act 21 Geo. 3, cap. 70.

Certain persons not to be arrested.

Certain cases in which the Court shall not have any jurisdiction.

Provided always, and we do hereby declare, that nothing in this Charter shall extend, or be construed to extend, to subject the person of the Governor-General of Fort William, or the person of the Governor or any of the Council at the said settlement of Madras, or the person of the Chief Justice, or any of the justices respectively for the time being, to be arrested or imprisoned in any suit, action, or proceeding in the said Court; nor shall it be competent for the said Court to hear or determine, or to entertain or exercise jurisdiction in any suit or action against the Governor-General of Fort William, or the Governor or any of the Council of the said settlement (1), for or on account of any act or order, or any other act, matter, or thing whatsoever, committed, ordered, or done by them in their public capacity, or acting as Governor-General, or Governor and Council; nor shall the said Court have or exercise any jurisdiction in any matter concerning the revenue under the management of the said Governor and Council respectively, either within or beyond the limits of the said town, or the forts or factories subordinate thereto, or concerning any act done according to the usage and practice of the country, or the regulations of the said Governor and Council. And we further will and declare that no person shall be subject to the jurisdiction of the said Court, for or by reason of being a land-owner, land-holder, or farmer of land, or of land rent, or for receiving a pension or payment in lieu of any title to or ancient possession of land, or land rent, or for receiving any compensation or share of profits for collecting rents payable to the public out of such lands or districts as are actually farmed by himself, or those who are his under-tenants, by virtue of the farm, or for exercising within the said lands or farms any ordinary or local authority, commonly annexed to the possession or farm thereof, or for or by reason of his becoming security for the payment of the rents reserved, or otherwise payable out of any lands or farms, or farms of lands within the dominions subject to the said Government of Madras. And no person, for or by reason of his being employed by the said Company, or the Governor and Council, or by any person deriving authority under them, or for or on account of his being employed by a native, or the descendant of a native of Great Britain, shall become subject to the jurisdiction of the said Court, in any matter of inheritance or succession to goods, or lands, or in any matter of dealing or contract between party and party, except in actions for wrongs or trespasses only. And provided also, and we do further declare that no action for wrong or injury shall lie against any person whatever, exercising a judicial office in any country Court, for any judgment, decree, or order of such Court, or against any person for any act done by or in virtue of the order of such Court. And in case any information is intended to be brought against any such person or officer, the same shall be brought and proceeded in in the same manner, and to all intents and purposes in the same form, and to the same effect, as such informations are directed to be proceeded in before the Supreme Court of Judicature at Calcutta in Bengal by an Act passed in the twenty-first year of our reign, intituled, "An Act to explain and amend so much of an Act made in the thirteenth Year of "the Reign of his present Majesty, intituled, 'An Act for establishing certain Regulations "'for the better Management of the Affairs of the East-India Company, as well in India as "'in Europe,' as relates to the Administration of Justice in Bengal, and for the Relief of certain "persons imprisoned at Calcutta in Bengal, under a Judgment in the Supreme Court of "Judicature, and also for indemnifying the Governor-General and Council of Bengal, and "all Officers who have acted under their Orders or Authority, in the undue Resistance made to "the Process of the Supreme Court."

(1) [In the Bombay Charter the prohibition embraces the Governor-

General, the Governor of Fort St. George, the Governor of Bombay, and the Council of Bombay.]

Various clauses prescribe the mode of commencing actions, and of proceeding with them.

The provisions relating to the appointment of an attorney by the Company, and the proceedings in actions to which it is a party, are similar to those in the Charter of the Court at Fort William. An equitable jurisdiction is then given to this Court, similar to the Court of Chancery; also criminal jurisdiction as a Court of Oyer and Terminer, and as to offences committed by any of the King's subjects in the territories of foreign princes. The Governor-General of Fort William and the Governor and any of the Council of Fort Saint George, are exempted from its criminal jurisdiction, except in cases of treason or felony. In the Bombay Charter the excepted persons are the Governor-General, the Governor of Fort Saint George, the Governor of Bombay, and the members of the Council of Bombay. The power of reprieve and suspension of the execution of sentence, similar to that possessed by the Court at Fort William is given, for which see the Charter of that Court and a note thereon. Ecclesiastical jurisdiction is conferred. The provisions for taking and enforcing security in the case of administrators do not differ essentially from those at Fort William; but the bond required from administrators is to be given to the registrar or chief clerk instead of the junior judge. The Court may grant administration of effects at the settlement, though left by persons who died out of the settlement. Admiralty jurisdiction is conferred similar to that given to the Supreme Court at Fort William, as enlarged by the 33 Geo. 3, cap. 52. An accountant-general is directed to be appointed. Other clauses, giving, restricting, and regulating the power of appeal, correspond with those in the Charter of the Supreme Court at Fort William, as also those directing the Chief Justice and judges to be sworn. By others the Charter of the Recorder's Court is revoked, and the transfer of its authorities and records ordered. The rules framed by the Court are to be transmitted to the President of the Board of Commissioners for the Affairs of India. In all cases wherever the persons of the Governor-General, the Governor or President of Fort Saint George, or any of the councillors of the said presidency, the Chief Justice of the Supreme Court of Judicature, or any of the puisne justices thereof, are declared

exempt from arrest or imprisonment, their goods are liable to be seized and sequestered or sold, if need be. In the Bombay Charter the persons named are the Governor-General, the Governor or President of Fort Saint George, the Governor or President of Bombay, the councillors of Bombay, the Chief Justice and puisne judges of Bombay. Fines and forfeitures are granted to the Company "during all the "residue of the term of the continuance of the said United Company's "exclusive trade." That trade has ceased, but by 16 & 17 Vict. cap. 95, sec. 27, fines and forfeitures are granted to the Company for the service of the Government of India. Much of the Charter has been omitted. Some of the omitted parts correspond with portions of the Charter of the Supreme Court at Fort William. Others by lapse of time and alterations of law have been rendered obsolete, and their insertion would have tended only to mislead.

LETTERS PATENT, *establishing the Supreme Court of Judicature at Bombay, in the East-Indies, bearing date the eighth Day of December, in the fourth Year of the Reign of George the Fourth, one thousand eight hundred and twenty-three.*

These Letters Patent correspond almost entirely with those establishing the Supreme Court at Madras. Some points of difference have been referred to in notes upon that Charter, which see.

Letters Patent, *establishing the Court of Judicature at Prince of Wales' Island, Singapore, and Malacca, in the East-Indies, bearing date the twenty-seventh Day of November, in the seventh Year of the Reign of George the Fourth, one thousand eight hundred and twenty-six.*

As in the preceding cases, only portions of these Letters Patent are inserted. After the recital of various Charters and Acts of Parliament, it is further recited, that the East-India Company, having annexed Singapore and Malacca to Prince of Wales' Island, had petitioned the Crown to accept the surrender of the Charter of the former Court of Judicature of Prince of Wales' Island, and to grant a new one, with which prayer the Crown was pleased to comply. The clause following succeeds to the recital:—

Court of Judicature of Prince of Wales' Island established.

Now we, having considered the premises, of our special grace, certain knowledge, and mere motion, have given and granted, and by these presents do, for us, our heirs and successors, give and grant unto the said United Company and their successors, and by these presents we, for us, our heirs and successors, do grant, direct, ordain, and appoint, that there shall be within the settlement of Prince of Wales' Island, Singapore, and Malacca, and the places now, or at any time to be subordinate or annexed thereto, a Court of Record, which shall be called "The Court of Judicature of Prince of Wales' Island, Singapore, and Malacca." And we do hereby erect, create, and constitute the said Court of Judicature of Prince of Wales' Island, Singapore, and Malacca, to be a Court of Record.

To consist of the Governor and the resident counsellor, and one other judge, to be called the Recorder of Prince of Wales' Island.

And we do further will, ordain, and appoint, that the said Court of Judicature shall consist of, and be holden before, the Governor or President and the resident counsellor for the time being, of the station where the said Court shall be held, as two of the judges of the said Court, and before one other judge, who shall be called "the Recorder of Prince of Wales' "Island, Singapore, and Malacca," and which Recorder shall be a barrister in England or Ireland of not less than five years' standing, to be named and appointed from time to time by us, our heirs and successors, by Letters Patent under our and their great seal of the United Kingdom of Great Britain and Ireland.

The salary of the Recorder is to be eighteen thousand dollars, and he is not to take any other office nor engage in any other employment. The Court within the territories subject to its powers is to have such jurisdiction and authority as the Court of King's Bench, the High Court of Chancery, the Courts of Common Pleas and Exchequer, in all civil and criminal matters, as also ecclesiastical jurisdiction. The Governor, councillors, and Recorder are not to be arrested. The provisions respecting the bond required from administrators are similar to those of the Supreme Courts, but the bond is to be given to the Company, and put in suit if necessary in their name. No person

is to act as advocate, solicitor, attorney, proctor, or agent without license from the Court. An accountant-general is to be appointed. The same power of framing rules and processes as is given to the Supreme Courts of Madras and Bombay is conferred, and copies ordered to be furnished to the Board of Commissioners for the Affairs of India. The Court is to be a Court of Oyer and Terminer. The Governor, councillors, and Recorder are exempted from the criminal jurisdiction of the Court, except as to treason or felony. A clause authorizing the suspension of execution of sentence, with a view to the exercise of the Royal mercy, is similar to that in the Charters of the Supreme Courts; but the statement of the case and evidence are to be transmitted to the Court of Directors for presentation to the Crown. On this point see the note on the subject in the Charter of the Supreme Court of Fort William. The Governor in Council is authorized to appoint justices of the peace, also to establish Courts of Requests. The regulations as to appeals are similar to those applicable to appeals from the Supreme Courts. It is then provided, that after publication of the Charter, the former Courts should cease (proceedings not to be abated thereby), and their authority and records be transferred. All fines and forfeitures are granted to the Company. Finally, power is reserved for making further provisions for the administration of justice.

By 6 & 7 Wm. 4, cap. 53, power was given to his Majesty to grant Admiralty jurisdiction to this Court, and it was accordingly granted by Letters Patent bearing date the 25th February, 1837.

Letters Patent *for the Bishopric of Calcutta, dated the second Day of May, one thousand eight hundred and fourteen.*

[Several parts of these Letters Patent having been made void by instruments of later date, and others being of purely temporary application, are omitted.]

George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, to all to whom these presents shall come, greeting.

Whereas the doctrine and discipline of the United Church of England and Ireland are professed and observed by a considerable part of our loving subjects resident within our territories under the government of the United Company of Merchants of England trading to the East-Indies, and whereas no sufficient provision has been made for the supply of persons duly ordained to officiate as ministers of the United Church of England and Ireland within the said territories, and our aforesaid subjects are deprived of some offices prescribed by the liturgy and usage of the Church aforesaid, for want of a bishop residing within the same; for remedy of the aforesaid inconveniences and defects, we have determined to erect the aforesaid territories into a bishop's see, and we do by these presents erect, found, ordain, make and constitute the said British territories in the East-Indies to be a bishop's see, and to be called from henceforth the Bishopric of Calcutta; and to the end that this our intention may be carried into due effect, we, having great confidence in the learning, morals, probity, and prudence of our well-beloved Thomas Fanshaw Middleton, Doctor in Divinity, do name and appoint him to be bishop of the said see of Calcutta, so that the said Thomas Fanshaw Middleton shall be and be taken to be bishop of the bishop's see of Calcutta, and may by virtue of this our nomination and appointment enter into and possess the said bishop's see as the bishop thereof, without any let or impediment of us, our heirs or successors, subject nevertheless to the powers of revocation and to the rights of resignation hereinafter more particularly expressed. Moreover, we will and ordain by these presents, that the bishop of the said see of Calcutta and his successors shall be subject and subordinate to the archiepiscopal see of the province of Canterbury and to the Most Reverend Father in God Charles Lord Archbishop of Canterbury, Primate of all England and Metropolitan, and his successors, in the same manner as any bishop of any see within the province of Canterbury in our kingdom of England is under the authority of the aforesaid archiepiscopal see of Canterbury and the archbishop thereof, save and except in the matter of appeals from judgments, decrees, and sentences pronounced by the Bishop of Calcutta or his successors, or by his or their commissaries, which we will shall not be made to the said archbishop or to his Courts, but shall be made to commissioners appointed by us or our successors in manner hereinafter set forth. And to the end that all the matters and things herein prescribed may have their due effect, we do hereby signify to the Most Reverend Father in God Charles Lord Archbishop of Canterbury, Primate of all England and Metropolitan, that we have erected and founded the aforesaid episcopal see of Calcutta, and have named and preferred our beloved Thomas Fanshaw Middleton, Doctor in Divinity, to the said bishopric, and have appointed him the bishop and ordinary pastor thereof, requiring, and by the faith and love whereby he is bound unto us, commanding him to consecrate the aforesaid Thomas Fanshaw Middleton Bishop of Calcutta in manner accustomed, and diligently to do and perform all other things appertaining to his office in this behalf with effect. And we do by these presents give and grant to the said Thomas Fanshaw Middleton and his successors, bishops of Calcutta, full power and authority to confer the orders of deacon and priest, to confirm those that are baptized and come to years of discretion, and to perform all the other functions peculiar and appropriated to the office of a bishop, within the limits of the said see, but not elsewhere, such bishop and his successors having been first duly ordained or consecrated bishops according to the form

prescribed by the liturgy of the Church of England, and also by himself or themselves, or by his or their commissary or commissaries, to exercise jurisdiction, spiritual and ecclesiastical, in and throughout the said see and diocese, according to the ecclesiastical laws of our realm of England, which are lawfully made and received in England, in the several causes and matters hereinafter in these presents expressed and specified, and no other; and for a declaration of our royal will concerning the special causes and matters in which we will that the aforesaid jurisdiction shall be exercised, we have further given and granted, and do by these presents give and grant to the aforesaid bishop and his successors full power and authority, by himself or themselves, or by his or their commissary or commissaries, by him or them to be thereunto specially authorized, to grant licenses to officiate to all ministers and chaplains of all the churches or chapels or other places within the said diocese wherein divine service shall be celebrated according to the rites and liturgy of the Church of England, and to visit all such ministers and chaplains and all priests and deacons in holy orders of the United Church of England and Ireland resident in their said diocese, with all and all manner of jurisdiction, power, and coercion ecclesiastical, that may be requisite in the premises: as also to call before him or them, or before his or their commissary or commissaries, at such competent days, hours, and places whatsoever, when and as often as to him or them shall seem meet and convenient, the aforesaid ministers, chaplains, priests, or deacons in holy orders of the United Church of England and Ireland, or any of them, and to inquire by witnesses to be sworn in due form of law, and by all other lawful ways and means by which the same may be best and most effectually done, as well concerning their morals as their behaviour in their said offices and stations respectively, and we do hereby authorize and empower the said bishop and his successors, and his and their commissary or commissaries, to administer all such oaths as are accustomed and may by law be administered according to the ecclesiastical laws of our realm of England, and to punish and correct the aforesaid chaplains, ministers, priests, and deacons in holy orders of the United Church of England and Ireland according to their demerits, whether by deprivation, suspension, or other such ecclesiastical censure or correction as they would be liable to according to the ecclesiastical laws aforesaid. And for the further accomplishment of our intention, and for aiding the said Bishop of Calcutta according to the laws and customs of the United Church of England and Ireland in the due and canonical superintendence of ecclesiastical persons and affairs, we do hereby erect, found, and constitute one archdeaconry in and over the presidency of Fort William in Bengal, to be styled the Archdeaconry of Calcutta, and one other archdeaconry in and over the presidency of Fort Saint George, on the coast of Coromandel, to be styled the Archdeaconry of Madras, and also one other archdeaconry in and over the presidency and island of Bombay, on the coast of Malabar, to be styled the Archdeaconry of Bombay. * * * * *

In other parts of these letters, not inserted, the archdeacons are declared to be commissaries of the bishop, with the usual ecclesiastical jurisdiction of such officers. Power is also granted to the bishop to fill vacancies in the office of archdeacon by appointments from the chaplains of the Company; and to appoint registrars, or persons to act as such at all the presidencies. But since the establishment of the sees of Madras and Bombay, the archdeacons of those places are no longer appointed by the Bishop of Calcutta, nor are they commissaries of that bishop. The right of the Bishop of Calcutta to appoint registrars, &c., at Madras and Bombay has also ceased.

And moreover we command, and by these presents for us, our heirs and successors, strictly enjoin, as well the Court of Directors of the said United Company and their governors, officers, and servants, as all and singular, and governors, judges, and justices, and all and singular chaplains, ministers, and other our subjects within the parts aforesaid, that they and every

of them be in and by all lawful ways and means aiding and assisting to the said bishop and archdeacons and his and their successors in the execution of the premises in all things. Nevertheless, we will, and do by these presents declare and ordain, that in all grave matters of correction which are accustomed according to the practice of the ecclesiastical laws of our realm of England to be judicially examined, the same shall in like manner be judicially examined and proceeded in before the said bishop and his successors, or his or their commissary or commissaries aforesaid, in the respective archdeaconries in which the party to be proceeded against shall reside; and all such causes shall be proceeded in to final sentence in due form of law. * * And further, we will and do by these presents declare and ordain, that if any person against whom a judgment or decree shall be pronounced by the said bishop or his successors, or by his or their commissary or commissaries, shall conceive himself to be aggrieved thereby, it shall be lawful for such person to appeal to us, our heirs or successors, provided such appeal be entered within fifteen days after such sentence shall have been pronounced; and we do hereby nominate, constitute, and appoint the judges of our Supreme Court of Judicature at Calcutta for the time being, and the members of the Council at Calcutta for the time being, to be our commissioners delegate to hear such appeals, and that such commissioners delegate, or any three of them, of whom one shall be a judge of the said Supreme Court of Judicature, shall have power finally to decide and determine the said appeals in as ample manner and form as the commissioners appointed under our great seal, by virtue of the statute made in the twenty-fifth year of the reign of King Henry the Eighth, intituled, "An Act for the "Submission of the Clergy and Restraint of Appeals," can or may hear and definitely determine appeals from any of the Courts of the archbishops of our realm of England; provided always, that in any sentence to be given by the said commissioners delegate, one at least of the said judges of the Supreme Court of Judicature shall concur. And we do further direct, that the person appointed to act as registrar within the archdeaconry of Calcutta; shall act as registrar of the said commissioners delegate, or if there be no such registrar, or such registrar be unable to act, the said commissioners delegate may assume an actuary to do all acts as their registrar. And we do further will, declare, and ordain, that in case any proceeding shall be instituted against any archdeacon, such proceeding shall originate and be carried on before our said commissioners delegate, whom we hereby authorize and direct to take cognizance of the same. And we further will, and do by these presents declare and ordain, that in case any archdeacon appointed as aforesaid, or chaplain duly appointed by the Court of Directors of the said United Company, shall be for any cause whatever deprived of his said office or suspended therefrom, or inhibited from preaching the word of God, or exercising his holy office within the limits of the presidency to which he shall have been appointed, or shall be subjected to any ecclesiastical punishment or censure whatsoever by the said Bishop of Calcutta, or by his successors, or by his or their commissary or commissaries, a copy of the sentence in such case promulgated and given, setting forth the causes of such deprivation, suspension, or other ecclesiastical punishment or censure, shall without delay be certified and transmitted by the said bishop and his successors, or his or their commissary and commissaries, to the Governor-General in Council of Fort William, or the Governors in Council of Fort St. George or Bombay, as the case may be; and we further ordain, that the Supreme Court of Judicature at Calcutta or Madras, or the Recorder's Court at Bombay, as the case may be, shall have such and the like jurisdiction and power of interfering by writ of prohibition or mandamus, subject to the same laws, restrictions, and rules of practice as is or has been exercised by our Court of King's Bench at Westminster, in regard to proceedings in the Ecclesiastical Courts in England, regard being had nevertheless to any special provisions or exceptions contained in these our Letters Patent, and to any other laws and regulations specially applicable to or concerning our territories in the East-Indies, or the see and diocese of Calcutta. Moreover it is our royal will, and we do hereby declare and ordain, that nothing in these presents contained shall extend, or be construed to extend, to repeal, vary, or alter the provisions of our several charters of the twenty-sixth day of March, in the fourteenth year of our reign, the twenty-sixth day of December, in the forty-first year of our reign, and the twenty-eighth day of February, in the twenty-eighth year of our reign, whereby ecclesiastical jurisdiction was given to the said Courts of Judicature and Recorder's Court respectively, so far as the same does not appertain to the correction of clerks, or the spiritual superintendence of ecclesiastical persons, or to give to the said bishop or archdeacons,

or their successors, any authority or jurisdiction whatever in matters now cognizable in the said courts, except as herein last before excepted. Moreover, we will and grant by these presents, that the said bishop and archdeacons respectively be bodies corporate, and do ordain, make, and constitute him and them to be perpetual corporations, and to have perpetual succession, and that he and they, and his and their successors, be for ever hereafter called and known by the names of Bishop of Calcutta, and Archdeacon of Calcutta, Madras, and Bombay respectively, and that they and their successors by the names aforesaid shall be able and capable in the law, and have full power to purchase, have, take, hold, and enjoy such manors, messuages, lands, rents, tenements, annuities, and hereditaments, of what nature or kind soever, in fee and in perpetuity, or for term of life or years, as by grant or license from the said United Company they shall at any time be authorized to take, hold, or enjoy, and also all manner of goods, chattels, and things personal whatsoever, of what nature or value soever; and that they and their successors, by and under the said name, may prosecute, claim, plead and be impleaded, defend and be defended, answer and be answered in all manner of Courts, of us, our heirs and successors, and elsewhere, in and upon all and singular causes, actions, suits, writs, and demands, real, personal, and mixed, as well temporal as spiritual, and in all other things, causes, and matters whatsoever. And that the said bishop and his successors shall and may for ever hereafter have and use a corporate seal, and the said seal from time to time at his and their will and pleasure, break, change, alter or make new, as to him or to them shall seem expedient. And we do hereby further declare, that nothing herein contained shall extend, or be construed to extend, to limit or abridge any power now by law vested in the Governor-General in Council, or Governors in Council of Fort William, Fort Saint George, and Bombay respectively, as to the residence of any person whatsoever within the territories under the government of the said United Company. And we do hereby declare, that if we, our heirs or successors, shall think fit to revoke or recall the appointment of the said Bishop of Calcutta, or his successors, or of the archdeacons of Calcutta, or Madras, or Bombay respectively, for the time being, and shall declare such our pleasure by Letters Patent under our great seal of our United Kingdom, then every such bishop or archdeacon shall from and after the notification thereof, in such manner as in the said Letters Patent shall from time to time be directed to the said bishop or archdeacons respectively, to all intents and purposes cease to be Bishop of Calcutta, or Archdeacon of Calcutta, Madras, or Bombay, as the case may be. And for removing doubts with respect to the validity of resignations of the said offices of bishop, or archdeacon, it is our further will that if the said bishop or any of his successors shall by instrument under his hand and seal, delivered to our commissioners delegate aforesaid, and to be by them accepted and registered, or any of the said archdeacons or their successors by a like instrument delivered to the Bishop of Calcutta for the time being, and by him accepted and registered, resign the office of Bishop of Calcutta, or archdeacon, as aforesaid, such bishop, or archdeacon, shall forthwith cease to be Bishop of Calcutta, or archdeacon, as the case may be, to all intents and purposes, but without prejudice to any responsibility to which he may be liable, in law or equity, in respect of his conduct in his said office.

LETTERS PATENT *respecting the Bishoprics of Calcutta and Madras, dated the thirteenth Day of June, one thousand eight hundred and thirty-five.*

So much of these letters as consist of recital or revocation of former letters is omitted.

And whereas it is our intention by Letters Patent under the great seal of our said United Kingdom, bearing even date with these presents, to erect, found, and constitute our territories in the East-Indies, within the limits of the presidency of Madras, and also our territories within the said island of Ceylon, to be a bishop's see, and to be called from henceforth

the Bishopric of Madras, and to name and appoint our well-beloved Daniel Corrie, Doctor of Laws, now Archdeacon of Calcutta, to be Bishop of the said see of Madras, and to grant to such Bishop of Madras and his successors such or the like ecclesiastical jurisdiction, and the exercise of such or the like episcopal functions within the said see of Madras as were heretofore enjoyed and exercised by the said Bishop of Calcutta within the limits of the said presidency of Madras, and within our territories in the said island of Ceylon. And we do further will and ordain, that the Bishop of the said see of Calcutta for the time being, shall be and be deemed and taken to be the metropolitan bishop in India, and shall have and enjoy and exercise such ecclesiastical jurisdiction as hereinafter is mentioned, (subject nevertheless to the general superintendence and revision of the Archbishop of Canterbury for the time being, in the same manner as the said Bishop of Calcutta was subject and subordinate to the archiepiscopal see of the province of Canterbury, in the exercise of all ecclesiastical jurisdiction and powers which previously to these our Letters Patent were vested in the said bishop). And we will and ordain, that the said Bishop of Madras shall be a suffragan to the said Bishop of Calcutta and his successors. And we give and grant unto the said Bishop of Calcutta and his successors full power and authority to perform all functions peculiar and appropriated to the office of metropolitan within the limits of the said see of Madras, and to exercise metropolitical jurisdiction over the Bishop of Madras and his successors, and the Archdeacon of Madras and Colombo, and all other chaplains, ministers, priests, and deacons in holy orders, of the United Church of England and Ireland within the limits of the said diocese of Madras. And we do, by these presents, give and grant unto the said Bishop of Calcutta and his successors, full power and authority to visit once in every five years, or oftener if occasion shall require, as well the said Bishop of Madras and his successors, as all ministers and chaplains, and all priests and deacons in holy orders of the United Church of England and Ireland, resident in the said diocese of Madras, for correcting and applying the defects of the said Bishop of Madras and his successors, with all and all manner of visitatorial jurisdiction, power, and coercion. And we do hereby authorize and empower the said Bishop of Calcutta and his successors to inhibit, during any such visitation of the said diocese of Madras, the exercise of all or of such part or parts of the ordinary jurisdiction of the said Bishop of Madras or his successors, as to him the said Bishop of Calcutta or his successors shall seem expedient, and during the time of such visitation to exercise by himself or themselves, or his or their commissaries, such powers, functions, and jurisdictions in and over the diocese of Madras, as the said Bishop of Madras might have exercised if he had not been inhibited from exercising the same. And we do further ordain and declare, that if any person against whom a judgment or decree shall be pronounced by the said Bishop of Madras or his successors, or his or their commissary or commissaries, shall conceive himself to be aggrieved by such sentence, it shall be lawful for such person to appeal to the said Bishop of Calcutta or his successors, provided such appeal be entered within fifteen days after such sentence shall have been pronounced. And we do give and grant to the said Bishop of Calcutta and his successors full power and authority finally to decree and determine the said appeals, in as ample a manner as any of the archbishops of England can or may hear and determine appeals from the Courts of the bishops within his province. And we do hereby authorize and empower the said Bishop of Calcutta and his successors, and his and their commissary or commissaries, to administer in his and their metropolitical and visitorial and appellate jurisdiction over the said see of Madras, all such oaths as the said Bishop of Calcutta and his predecessors have been accustomed lawfully to administer in his and their ordinary jurisdiction. Nevertheless we do will, and by these presents declare and ordain, that in the exercise of the metropolitical, visitorial, and appellate jurisdiction aforesaid, hereby limited and given to the said Bishop of Calcutta and his successors, all grave matters of correction which are accustomed according to the practice of the ecclesiastical laws of England to be judicially examined, shall in like manner be judicially examined and proceeded in before the said Bishop of Calcutta and his successors, or his or their commissary or commissaries, and all such causes shall be proceeded in to final sentence in due form of law. And we do further will and ordain, that in case any proceedings shall be instituted against any Bishop of Madras, such proceedings shall originate and be carried on before the said Bishop of Calcutta, whom we hereby authorize and direct to take cognizance of the same. And we further will, that during a vacancy of the said see of Calcutta, by the demise of the bishop thereof for the time being, or otherwise, the episcopal

jurisdiction and functions appertaining to the said see shall be exercised by the Bishop of Madras for the time being; and in case of a vacancy of the said see of Madras, then the same jurisdiction and functions shall be exercised as far as by law they may by the Archdeacon of Calcutta for the time being; or in case of a vacancy of the said archdeaconry, then by the Archdeacon of Madras, or the Archdeacon of Bombay, or by two clergymen of the Church of England resident within the diocese of Calcutta, as may be directed by the Governor-General of India in Council. And we do further will, that during the vacancy of the said see of Madras, by the demise of the bishop thereof for the time being, or otherwise, the episcopal jurisdiction and functions appertaining to such see shall be exercised by the Bishop of Calcutta for the time being; and in case of a vacancy of the said see of Calcutta, then the same jurisdiction and functions shall be exercised as far as by law they may, by the Archdeacon of the see of Madras for the time being; or in case of a vacancy of such archdeaconry, then by two clergymen of the Church of England, resident within the diocese, as may be directed by the Governor-General of India in Council. And we further will and ordain, that a copy of every sentence of deprivation, suspension, or other ecclesiastical punishment or censure whatsoever, promulgated or given, or affirmed by the said Bishop of Calcutta or his successors, in the exercise of his or their metropolitical, visitorial, or appellate jurisdiction, shall be certified and transmitted to the same persons, and in the same manner as copies of sentences promulgated or given by the said Bishop of Calcutta, or his successors, in the exercise of his or their ordinary jurisdiction, ought to be certified and transmitted. And we further ordain, that the said Supreme Court of Judicature at Calcutta, Madras, or Bombay, or in Ceylon (as the case may be), shall have such and the like jurisdiction and power of interfering by writ of prohibition, or mandamus, in regard to all proceedings to be had or instituted, or which might be had or instituted, in pursuance of these presents, subject to the same laws, restrictions, and rules of practice, as is or has been exercised by our Court of King's Bench, at Westminster, in regard to proceedings in the Ecclesiastical Court in England, regard being had, nevertheless, to any special provisions or exceptions contained in these our Letters Patent, and to any other laws and regulations specially applicable to or concerning our territories in the East-Indies, or the see and diocese of Calcutta. Moreover it is our royal will, and we do hereby declare and ordain, that nothing in these presents contained shall extend, or be construed to extend, to repeal, vary, or alter the provisions of the several Charters whereby ecclesiastical jurisdiction has been given to the said Court of Judicature respectively, so far as the same does not appertain to the correction of clerks, or the spiritual superintendence of ecclesiastical persons, or give to the said Bishop of Calcutta, or his successors, any authority or jurisdiction whatever in matters now cognizable in the said Courts, except as herein last before excepted. And moreover, we command and enjoin the Court of Directors of the East-India Company, and their governors, officers, and servants, and our Governor of Ceylon, and all and singular our governors, judges, and justices, and all and singular chaplains, ministers, and others our subjects, within the parts aforesaid, that they and every of them be in and by all lawful ways and means aiding and assisting to the said Bishop of Calcutta and his successors in the execution of the premises in all things.

Since the date of the above Letters Patent, the provisions of the 3 & 4 Wm. 4, cap. 85, for the erection of a bishopric at Bombay, subject to the metropolitan jurisdiction of Calcutta, have been carried into effect by Letters Patent dated in 1836.

APPENDIX.

PART II.

BYE-LAWS OF THE EAST-INDIA COMPANY.

APPENDIX.

PART II.

BYE-LAWS FOR THE GOVERNMENT OF THE CORPORATION OF THE EAST-INDIA COMPANY.

CHAPTER I.

Accounts.

Books of the Company in England to be balanced yearly to the 30th April, and balance drawn out within six months of receipt of Indian books.

SECTION 1.—It is ordained, that the books containing the general accounts of this Company in England shall be balanced to the 30th day of April yearly, and the balance be drawn out within six calendar months after the receipt of the Indian books of account, corresponding in period with the books about to be balanced in England.

Indian books to be balanced yearly to the 30th April, and copies sent home duly signed.

SEC. 2.—*Item*, It is ordained, that the books of this Company's affairs in India shall, once every year, be balanced in every of the said Company's stations to the 30th April in each year; and transcripts or copies thereof, signed by the chief civil servant of each station, and those from the Presidency by the Accountant-general, shall be sent to England by the first opportunity following: that those persons whose duty it shall be to make up the same, and who shall refuse or neglect so to do, shall become thereby liable to dismission from the Company's service; and that those accounts, when prepared, shall be accordingly transmitted to England by the first safe conveyance.

Officers neglecting liable to dismission.

Secretary, assistant, or other officer, with person keeping journal in department of accounts, to examine all entries of receipts and payments monthly, and certify the result.

SEC. 3.—*Item*, It is ordained, that the secretary or his assistant in the department of accounts, or such other officer as the Court of Directors may appoint, with the person keeping the journal in that department, do, within fourteen days after the end of every month, examine all entries of receipts and payments of that month by their respective vouchers, and the additions and balance thereof, and certify under their hands, upon the cash-book, that they have so done, and how they find the same.

Accounts to be examined by committees, and pass Court of Directors quarterly.

SEC. 4.—*Item*, It is ordained, that all accounts shall be examined by the respective Committees, and pass the Court of Directors quarterly.

CHAPTER II.

Buying, Selling, Hiring, and Contracting.

Abstracts of all tenders to be entered, and to remain on the records.

Section 1.—*Item*, It is ordained, that an abstract, containing the substance of every tender for selling or furnishing to this Company any sort of goods or merchandize, or for performing any business whatsoever, shall be entered as the same is received, and remain upon the records of the Company.

Purchases for exportation, with certain exceptions, to be made by open competition, and no private contract completed without approval of Court of Directors.

Sec. 2.—*Item*, It is ordained, that all purchases for exportation by the Court of Directors, or any Committee thereof, excepting bullion, be made by open competition (excepting in cases where the Court or Committee shall be of opinion that this mode cannot be adopted beneficially for the Company); and that, in all such cases, no private contract shall be completed without the concurrence and approval of the Court of Directors to such contract.

Provisions of Act 58 G. 3, c. 83, relating to building, hiring, and contracting for ships for Company's service to be considered bye-laws of Company.

Sec. 3.—*Item*, It is ordained, that all the provisions regulating the mode of building, hiring, and contracting for ships for the service of the Company, which are contained in the Act of the 58th Geo. 3, cap. 83, intituled, "An Act to amend and reduce into one Act the "several Laws relating to the manner in which the East-India Company are required to "hire Ships," shall be and be considered as bye-laws of this Company.

Tenders of ships to be made by one or more owners in writing, and to express names of all other owners.

Sec. 4.—*Item*, It is ordained, that the Court of Directors shall not accept the tender of any ship, but such as shall be first made by one or more of the owners in writing, wherein shall be expressed the names of all the other owners.

CHAPTER III.

Bye-laws.

A Committee of Bye-laws to be chosen annually in June.
Number to be fifteen.
Quorum five.
To meet twice at least in the year.
Duties.
To be summoned by secretary on requisition of two members.

Section 1.—*Item*, It is ordained, that at the general Court to be held yearly in the month of June, a committee of fifteen shall be chosen, whereof five to be a quorum, who being hereby authorized and empowered, are required to meet at least twice in the year, to inspect the bye-laws, and to make inquiry into the observance and execution of them, and to consider what alterations and additions may be proper to be made, and to report their opinion from time to time to the general Court; and that the said committee shall be summoned to meet, by the secretary for the time being, on the requisition of any two members thereof.

Bye-laws to be read on certain occasions.

Sec. 2.—*Item*, It is ordained, that the bye-laws shall be read in the first Court of Directors, and first general Court after the second Wednesday in April in each year.

Bye-laws not to be varied without consent of two general Courts.
Notice to be given.

Sec. 3.—*Item*, It is ordained, that no bye-laws shall be ordained, altered, repealed, or suspended, without the consent and approbation of two general Courts, specially to be called for that purpose; of the first of which general Courts fourteen days' public notice at the least shall be given.

CHAPTER IV.

Cash.

Section 1.—*Item*, It is ordained, that the Court of Directors shall not invest any of the Company's money in purchasing any part or share in the capital stock of this Company, without the consent of the general Court first had.

Company's money not to be invested in Company's stock without consent of general Court.

Sec. 2.—*Item*, It is ordained, that the Court of Directors shall not invest any of the Company's money in shipping, excepting for the service of the Company.

Company's money not to be invested in shipping, except for Company's service.

Sec. 3.—*Item*, It is ordained, that the cash of this corporation, except such sums as the Court of Directors shall think necessary to trust under the care of the Company's cashier, from time to time, for the current business, shall be kept at the Bank of England, in such method as the Court of Directors shall appoint.

Cash to be kept at Bank of England.

Sec. 4.—*Item*, It is ordained, that for every sum drawn out of the Bank of England, a write-off or draft shall be signed by the Chairman or Deputy Chairman for the time being, and one other Director of the Finance and Home Committee, and countersigned by the principal cashier or his first assistant, or by such other officer or officers as the Court of Directors shall appoint for that purpose, and that no other person but the principal cashier or his first assistant shall present the said write-off or draft for payment; excepting nevertheless, that all bills of exchange accepted by order of the Court of Directors, and the dividends on the Company's capital stock, and also orders for monies made payable to others than the cashier or his first assistant, may, if the Court of Directors should think fit so to direct, be paid at the Bank of England, in such manner as may be arranged between the Court of Directors and the Bank.

Write-off or draft for sums drawn out of the Bank of England to be signed by certain Directors.

Countersigned and presented for payment by certain officers.

Exceptions as to presentation for payment.

Sec. 5.—*Item*, It is ordained, that no money relating to the affairs of the Company shall be disposed of without an order of the Court of Directors; and that the interest, and all other advantages arising and growing upon the cash of the Company, shall be brought to the account of the said Company.

No money to be disposed of without order of Court of Directors.

All profits to be brought to account of Company.

Sec. 6.—*Item*, It is ordained, that the book containing the state of the cash shall be laid before the Court of Directors once in every week by the cashier, and that he sign the same.

Book containing state of cash to be laid before Directors weekly, signed by cashier.

Sec. 7.—*Item*, It is ordained, that the Chairman or Deputy Chairman, and two of the Court of Directors, do once a month, or oftener, examine the several species whereof the balance of the cash consists, and certify the same under their hands.

Chairman, Deputy, and two Directors to examine and certify balance of cash monthly.

Sec. 8.—*Item*, It is ordained, that no unlimited vote of credit shall be given by the Court of Directors to the Finance and Home Committee on the Company's account.

No unlimited vote of credit to be given to Finance and Home Committee.

Sec. 9.—*Item*, It is ordained, that no bill of exchange, draft, or note other than notes of the Bank of England, shall be taken in any payment whatsoever to the Company, except bankers' notes payable on demand, for the due payment whereof the parties paying them in shall engage to be responsible for the three following days.

No bills, drafts, or notes to be taken except notes of the Bank of England, and bankers' notes payable on demand.

CHAPTER V.

Committees.

Reports of committees to be laid before Court of Directors within eight days.

Section 1.—*Item*, It is ordained, that the report of every committee appointed by the Court of Directors shall be signed and laid before a Court of Directors within eight days.

Quorum of Finance and Home Committee to be three.

Sec. 2.—*Item*, It is ordained, that the quorum of the Finance and Home Committee shall never consist of less than three Directors.

CHAPTER VI.

Directors, Officers, and Servants.

A Court of Directors to be held once in every week.

Section 1.—*Item*, It is ordained, that a Court of Directors shall be summoned and held once in every week, at the least.

Chairman and Deputy-Chairman to be chosen annually by ballot.

Sec. 2.—*Item*, It is ordained, that at the first Court of Directors which shall be held next after the second Wednesday in April in each year, a Chairman and Deputy-Chairman shall be chosen for the year by the ballot.

No Director to have any dealings with the Company except at its public sales.

Sec. 3.—*Item*, It is ordained, that in all cases, no Director of this Company shall have any dealings or business with the Company upon his own account, either separately or in conjunction with any other person or persons, for or in respect of buying for, or selling to the Company, any bullion or other goods, or in the making of any other bargain or contract by, to, or with this corporation, other than at any of the Company's public sales.

No Director to tender any ship in which he is interested.

Interest in ships in Company's service acquired incidentally to be reported to Court and disposed of within twelve months.

In default, Directors liable to be removed.

Sec. 4.—*Item*, It is ordained, that no Director of this Company shall, directly or indirectly, tender to the Court of Directors any ship or vessel of which he shall be an owner or part owner; and that in case any ships, or shares of ships, in the service of the said Company shall come to a Director by bequest, or marriage, or as next of kin of any person who shall die intestate, such Director shall give notice in writing to the Court of Directors of his being so interested, and shall sell and dispose of his interest in such shipping within twelve months next after the same shall have accrued, or in default thereof shall be liable to be removed from the office of a Director, if elected thereto by the general Court.

No Director to give a vote respecting goods wherein he is concerned.

Sec. 5.—*Item*, It is ordained, that no Director shall give his vote for any lot of goods bought at the Company's sale, or for making any allowance for any goods so bought, wherein he shall be directly or indirectly concerned.

Directors to withdraw during debates in which they are personally concerned, and when question put.

Sec. 6.—*Item*, It is ordained, that if any debate shall arise in the Court of Directors concerning any Director, or any matter or thing wherein any Director shall be personally concerned, every such Director, having been first heard, shall withdraw during such debate, and when the question thereon is put.

Director taking any fee, present, or reward, to forfeit double the amount received,

Sec. 7.—*Item*, It is ordained, that if any Director shall take any fee, present, or reward, directly or indirectly, upon any account whatsoever relating to the business or affairs of the Company or his office of a Director, he shall forfeit to the use of this Company double the

amount received, be liable to be removed from his office of Director, if elected thereto by the general Court, and shall be, *ipso facto*, incapable thereafter of holding any other place whatsoever, or any employment or pension under the Company.

be liable to be removed, and be incapacitated from holding office or pension under Company.

SEC. 8.—*Item*, It is ordained, that if any member of this corporation shall offer any present or reward, directly or indirectly, to any Director or other officer of this Company, upon any account whatsoever relating to the business or affairs of this Company, such member shall forfeit to the use of this Company double the amount offered; and if a Director elected by the general Court, shall be liable to be removed from that office, and in all cases shall be for ever incapable of holding any pension, employment, or office, the qualification for which is subject to regulation by the general Court.

Member of corporation offering present or reward to Director or officer, to forfeit double the amount offered; if a Director, liable to be removed, and in all cases incapacitated from holding pension or office.

SEC. 9.—*Item*, It is ordained, that every Director going beyond sea shall make a report thereof to the Court of Directors, who shall notify his absence to the general Court after it shall have exceeded the period of one year, and such Director shall thereupon be liable to be removed from his office of Director, if elected thereto by the general Court.

Director going beyond sea to make report to Court. Absence of more than a year to be notified to general Court, and Director liable to be removed.

SEC. 10.—*Item*, It is ordained, that any Director elected by the general Court, who shall hold any office or place of emolument under the Crown, shall be liable to be removed from his office of Director.

Director holding office under the Crown, liable to be removed.

SEC. 11.—*Item*, It is ordained, that if any Director shall be guilty of a wilful breach of any bye-law of this corporation, the fact shall be reported to the general Court; and if a Director elected by the general Court shall be guilty of a wilful breach of any bye-law, to which breach no other special penalty is annexed, and shall be so adjudged by a general Court, he shall be liable to be removed from his office of Director, and shall be incapable thereafter of holding any other office or employment under this Company; and if any other officer or servant of this Company shall be guilty of a wilful breach of any bye-law of the corporation, to which breach no other special penalty is annexed, he shall be dismissed from the service and be incapable of holding any office or employment under this Company, the qualification for which is subject to the regulation of the general Court.

Director guilty of wilful breach of bye-laws, to which no other special penalty is annexed, to be liable to be removed, and to be incapacitated from holding office.

Other officer so offending to be dismissed, and incapacitated.

SEC. 12.—*Item*, It is ordained, that whenever there shall be a vacancy of the place of a Director, to which in pursuance of the Act 16 & 17 Vict. cap. 95, the general Court is entitled to elect a successor, another shall be chosen in his room within a convenient time, not exceeding forty days after every such vacancy shall have been declared in the Court of Directors; and that ten days' public notice shall be given of the day upon which such choice shall be made.

Vacancies in the direction to be filled up within forty days after declaration thereof.

Public notice to be given.

SEC. 13.—*Item*, It is ordained, that every Director shall have liberty to take copies of all accounts, letters, and papers relating to the Company's affairs, except such as are before the Secret Committee appointed by the Act 3rd and 4th William IV. cap. 85.

Directors may take copies of all papers except those before the Secret Committee.

SEC. 14.—*Item*, It is ordained, that any Director who shall dissent from any resolution of the Court of Directors, shall have the liberty of entering his dissent, with the reasons thereof, on the minutes of the said Court, within fourteen days from the passing of such resolution; and that whenever the Court of Directors shall pass a resolution of protest against orders or instructions given by the Board of Commissioners for the Affairs of India, after remonstrance on the part of the Court, such resolution of protest shall be laid before the next general Court.

Directors may enter dissents on Court's minutes.

Resolutions of protest by Court of Directors against orders of Board of Commissioners to be laid before general Court.

SEC. 15.—*Item*, It is ordained, that no Director, officer, or servant of this Company in Europe, shall trade, either as principal or agent, or execute any mercantile commission, either directly or indirectly, under any colour or pretence whatever, to or from India, otherwise

No Director, officer, or servant, in Europe, to trade to or from India, either as princi-

pal or agent, otherwise than in the Company's joint stock.

Offender to forfeit value of *choses* in trade, and be incapable of holding office.

If Director, liable to be removed.

than in the joint stock of the Company, or transact any kind of business for persons resident in India, for any gain or emolument whatever; and that whatsoever Director, officer, or servant of this Company in Europe, shall offend against this ordinance, shall forfeit to the use of this Company the value of such goods, merchandizes, and money, as he or they shall trade for, or be concerned in executing any mercantile commission for, contrary to this ordinance, and shall be incapable of serving the Company in any place or office whatever, the qualification for which is subject to regulation by the general Court; and if a Director elected by the general Court, shall be further liable to be removed from that office.

No officer or servant in Europe to deal with Company, except by express permission of Court of Directors in writing.

Sec. 16.—*Item*, It is ordained, that no officer or servant of this Company in Europe shall have any dealings or business with this Company, upon his own account or for his own profit and advantage, directly or indirectly, solely or in conjunction with any other person or persons, or in any manner whatsoever, without the express permission and authority of the Court of Directors in writing, signed by the secretary.

No fees to be demanded or accepted, except such as are allowed by Court of Directors, and contained in a printed table publicly exhibited.

Sec. 17.—*Item*, It is ordained, that no officer or servant belonging to the Company shall, directly or indirectly, demand or accept any fee, reward, or present, other than such as shall be allowed and established by the Court of Directors, and contained in a table or tables of fees, to be printed and exposed to public view in every office where fees are allowed to be taken.

No officer or servant of Company to be a broker.

Sec. 18.—*Item*, It is ordained, that no officer or servant of this Company shall be or take upon himself the office of a broker.

CHAPTER VII.

Elections and Ballots.

Member of Company endeavouring to obtain vote for election of Director by violent or corrupt means, if declared guilty by general Court, to be incapable of holding office, and if Director, to be liable to be removed.

Section 1.—*Item*, It is ordained, that if any member of this Company shall, by menaces or promises, collusive transfer or transfers of stock, by any fee, present, reward, or remuneration, under the plea of defraying travelling expenses, or under any other plea or pretence whatsoever, directly or indirectly obtain, or endeavour to obtain, any vote for the election of himself or any other to be a Director, and be declared guilty thereof at a general Court to be called for that purpose, such person shall be incapable thereafter of holding any office, the qualification for which is subject to the regulation of the general Court; and, if a Director elected by the general Court, be further liable to be removed from his office.

No lists to be received after glass finally sealed up.

Sec. 2.—*Item*, It is ordained, that no lists shall be received for any election after the glass is finally sealed up according to the time prefixed.

Upon an equality of votes, election of Directors to be determined by lot.

Sec. 3.—*Item*, It is ordained, that if, upon the scrutiny for Directors, any two or more persons qualified shall have an equal number of votes, the election in such cases shall be determined by drawing lots in the general Court in which such scrutiny shall be reported.

Questions relating to names of candidates to be determined by scrutineers, or if they are equally divided, by lot.

Sec. 4.—*Item*, It is ordained, that if on the scrutiny, two or more persons qualified for the same office have the same Christian and surnames, and are not distinguished by their additions, or if a wrong Christian name in any list is placed to a surname when but one person of that surname is qualified, or literal mistakes are made in Christian or surnames; in every of the said cases, the majority of the scrutineers may determine the person or persons intended; but in case of the scrutineers being equally divided, the question shall be decided by drawing lots.

SEC. 5.—*Item*, It is ordained, that previous to every biennial election of Directors, at least seven months' public notice shall be given thereof, and two printed lists of the names of the members who appear qualified to vote shall be ready to be delivered; the first at least five months, and the second at least fourteen days before the day of election.

Seven months' notice of election of Directors to be given, and lists of members qualified, to be ready for delivery at two stated periods before election.

SEC. 6.—*Item*, It is ordained, that a list shall be published thirty days before the biennial election of Directors, containing the names of such proprietors, qualified agreeable to law, as shall signify in writing to the secretary their desire of becoming candidates for the direction, thirty-two days before such biennial election.

List of candidates for the direction to be published thirty days before bieonial election.

SEC. 7.—*Item*, It is ordained, that in all elections to be biennially made pursuant to the Act of the sixteenth and seventeenth year of her Majesty Queen Victoria, cap. 95, each proprietor voting shall give in a list containing no more names of persons duly qualified to be Directors than the number of Directors then to be elected, in pursuance of the provisions of the aforesaid Act; and if any list shall contain the names of more than such number of persons duly qualified, every such list shall be totally rejected.

Proprietors voting at annual elections of Directors to give in list of six names.

Lists containing greater number to be rejected.

SEC. 8.—*Item*, It is ordained, that the fourth and seventh sections of this chapter shall be inserted at the end of every printed list delivered to the proprietors, at or before the biennial election.

Certain sections of this chapter to be inserted at end of lists delivered to proprietors.

SEC. 9.—*Item*, It is ordained, that in all elections of committees made by ballot in a general Court, the same method (so near as the case will admit) shall be observed, under such penalties as are before prescribed concerning the election of Directors.

Election of committees by ballot in general Court to be conducted in same method as of Directors, and under same penalties.

SEC. 10.—*Item*, It is ordained, that whenever two or more ballots are to be taken on distinct questions on the same day, the same ballots be taken in separate rooms; and that upon every public ballot, the Directors in charge of the glasses, at their being opened, shall require the scrutineers, should any be then present, to satisfy themselves of their being empty, and that at the conclusion of each ballot the Directors in charge of the glasses deliver the same, sealed up, to the scrutineers.

Ballots on distinct questions occurring on same day to be taken in separate rooms.

Glasses may be examined when opened, and delivered sealed up when ballot concluded.

SEC. 11.—*Item*, It is ordained, that in lieu of the oath or affirmation required by the Act of the thirteenth year of King George III. cap. 63, to be taken by proprietors of East-India Stock at every ballot in any general Court, before being admitted to vote at such ballot, and in lieu of the affidavit or affirmation required by the Act of the 3 & 4 of King William IV. cap. 85, to be made by proprietors voting by letter of attorney on the election of a Director or Directors of the East-India Company, a declaration in the form hereafter prescribed be substituted in the respective cases hereafter mentioned; (that is to say,)

When the right of such proprietor to vote shall be in respect of stock whereof such proprietor shall have been possessed for the space of twelve calendar months, or upwards, such declaration shall be in the following form; (that is to say,)

I, *A.B.*, do solemnly and sincerely declare, that the sum of £ of the capital stock of the East-India Company, standing in my name, doth at this time belong, and hath for the space of twelve calendar months actually belonged to me in my own right, and not in trust for any person or persons whomsoever, and that I have been in the actual receipt of the dividends and profits thereof for my own use, freed and discharged of all incumbrances which can or may affect the same for the said space of twelve calendar months, and that such stock has not been transferred or made over to me fraudulently or collusively on purpose to qualify me to give my vote, and that I have not before given my vote on this ballot. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the session held in the fifth and sixth years of the reign of his late Majesty, intituled, "An Act to repeal an Act of the present Session of

Declaration in lieu of oath or affidavit for persons possessed of the qualification for twelve months.

" Parliament, intituled, ' An Act for the more effectual Abolition of Oaths and Affirmations " ' taken and made in various Departments of the State, and to substitute Declarations in " ' lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths " ' and Affidavits, and to make other Provisions for the Abolition of unnecessary Oaths.' "

If qualification possessed for less than twelve months.

13 G. 3, c. 63, s. 3.

And that when the right of such proprietor to vote shall be in respect of stock whereof such proprietor shall have been possessed for a less period than twelve calendar months, but such stock shall have been acquired or shall have come to such proprietor in some of the modes by the Act of Parliament in that behalf specified; (that is to say,) by bequest, or by marriage, or by succession to an intestate's estate, or by the custom of the city of London, or by any deed of settlement after the death of any person who shall have been entitled for life to the dividends of such stock, such declaration shall be in following form, *mutatis mutandis*, to suit the particular case to which such declaration shall be applicable; (that is to say,)

I, *A.B.*, do solemnly and sincerely declare, that the sum of £ of the capital stock of the East-India Company, standing in my name, doth at this time belong to me in my own right, and not in trust for any person or persons whomsoever, and the same came to me by [*here insert such of the following words as are applicable to the fact, viz.* bequest, or marriage, or succession to an intestate's estate, or the custom of the City of London, or settlement], and that such stock has not been transferred or made over to me fraudulently or collusively on purpose to qualify me to give my vote, and that I have not before given my vote on this ballot. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act passed in the session held in the fifth and sixth years of the reign of his late Majesty, intituled, " An Act to repeal an Act of the " present Session of Parliament, intituled, ' An Act for the more effectual Abolition of Oaths " ' and Affirmations taken and made in the various Departments of the State, and to substi- " ' tute Declarations in lieu thereof, and for the more entire Suppression of voluntary and " ' extra-judicial Oaths and Affidavits, and to make other Provisions for the Abolition of " ' unnecessary Oaths.' "

CHAPTER VIII.

General Courts.

A ballot to be taken when demanded by nine members present at a general Court. Exceptions.

Section 1.—*Item*, It is ordained, that if at any general Court nine of the members present duly qualified to vote shall demand a ballot for determining any question, except for adjournment or the previous question, or an amendment, such question shall be put by the ballot, and not otherwise.

Motions for adjournment, previous question, and amendments, to be determined by division.

Sec. 2.—*Item*, It is ordained, that if any doubt shall arise in the general Court upon or relating to any declaration which shall be made from the Chair, upon the question for adjournment, or the previous question, or an amendment, such question shall be determined by a division of the proprietors duly qualified to vote then present.

Questions, with certain exceptions, to be in writing, if required. General Court not to be adjourned or dissolved without question.

Sec. 3.—*Item*, It is ordained, that all questions in any general Court, except the previous question, or for adjournment, shall, if required, be stated in writing, before the same shall be put, and the Chairman shall not adjourn or dissolve the Court without a question, except in the case for that purpose provided by section 14 of the Act 16 & 17 Vict. cap. 95.

Notice of motions to forgive offences or grant money to be given and published.

Sec. 4.—*Item*, It is ordained, that no motion shall, in future, be made in a general Court, to forgive any offences committed by any of the Company's servants, or to make any grants of any sums of money out of the Company's cash, without notice being given in writing by the persons proposing the same, and published by the Court of Directors at least fourteen days previous to the holding of such general Court.

Sec. 5.—*Item*, It is ordained, that all notices of motions for consideration in the general Court shall be advertised in two or more of the London morning newspapers, at least three days before the day of meeting at which the motion is to be taken into consideration.

Notices of motions in general Court to be advertised.

Sec. 6.—*Item*, It is ordained, that no persons be admitted to be present at any general Court, who shall not at the time be possessed of five hundred pounds stock.

No person to be present at general Court unless possessed of 500*l.* stock.

CHAPTER IX.

Offices, Salaries, Pensions, and Gratuities.

Section 1.—*Item*, It is ordained, that no new office, either at home or abroad, shall be created by the Directors, with any salary exceeding the sum of two hundred pounds per annum, without the approbation of two general Courts to be summoned for that purpose.

No new office to be created of more than 200*l.* per annum without approbation of two general Courts.

Sec. 2.—*Item*, It is ordained, that no additional salary, exceeding in the whole two hundred pounds per annum, shall be annexed to any office without the approbation of two general Courts to be summoned for that purpose.

No additional salary exceeding 200*l.* per ann. to be annexed to any office without approbation of two general Courts.

Sec. 3.—*Item*, It is ordained, that every resolution of the Court of Directors for granting a new pension or an increase of pension, exceeding in the whole two hundred pounds per annum to any one person, shall be laid before and approved by two general Courts specially summoned for that purpose, before the same shall be submitted to the Board of Commissioners for the Affairs of India, in the form of a report, stating the grounds upon which such grant is recommended, which resolution and report shall be signed by such Directors as approve the same; and that the documents upon which such resolution may have been formed shall be open to the inspection of the proprietors from the day on which public notice has been given of the proposed grant; and that such allowances, in the nature of superannuations, as the Court of Directors are empowered to grant to their officers and servants in England, by 53 Geo. 3, cap. 155, section 93, shall be laid before the next general Court.

Resolution of Court granting new or increased pensions exceeding 200*l.* per ann. to be laid before two general Courts, &c.
Grounds to be stated.
Resolution and report to be signed, &c.
Documents to be open to inspection of proprietors.
Superannuation allowances to be laid before next general Court.

Sec. 4.—*Item*, It is ordained, that every resolution of the Court of Directors for granting to any person, by way of gratuity, any sum of money, exceeding in the whole six hundred pounds, shall be laid before and approved by two general Courts specially summoned for that purpose, in the form of a report, stating the grounds upon which such grant is recommended, which resolution and report shall be signed by such Directors as approve the same, and that the documents on which such resolution may have been formed shall be open to the inspection of the proprietors, from the day on which public notice has been given of the proposed grant.

Resolution of Court bestowing gratuity exceeding 600*l.* to be laid before two general Courts, and approved.
Grounds to be stated.
Resolution and report to be signed by Directors approving.
Documents on which resolution formed, to be open to inspection.

CHAPTER X.

Parliamentary Papers and Proceedings.

Copies of accounts and papers laid before Parliament by Directors, and of bills, &c., to be laid on table of reading-room and before next general Court. Proceedings of Parliament affecting Company to be submitted to a general Court.

Section 1.—*Item*, It is ordained, that copies of such accounts and papers as may from time to time be laid before either House of Parliament by the Court of Directors, and copies of all bills or resolutions in either House, in anywise regarding the East-India Company, shall be laid upon the table of the reading-room appropriated to the proprietors, and shall be laid before the next general Court; and that all proceedings of Parliament which, in the opinion of the Court of Directors, may affect the rights, interests, or privileges of the East-India Company, shall be submitted by them to the consideration of a general Court to be specially summoned for that purpose, before the same shall be passed into a law.

CHAPTER XI.

Register of Bonds and other Instruments.

Register of all bonds for money borrowed at interest to be kept.

Section 1.—*Item*, It is ordained, that the Court of Directors do cause a register of all bonds for money borrowed at interest, to be kept, under the inspection of those who have the custody of the seal.

Also, register of all other instruments passing under Company's seal.

Sec. 2.—*Item*, It is ordained, that a register be kept, in like manner, for the entry of all other bonds and instruments, of what kind soever, which shall pass under the Company's seal.

Register-books to be laid before the Court monthly.

Sec. 3.—*Item*, It is ordained, that the secretary for the time being do see that the said register-books be laid before the Court of Directors at the first Court in every calendar month.

CHAPTER XII.

Seal of the Company.

Company's seal to be kept under three locks. Keys to be kept by Chairman or Deputy, &c, Chairman or Deputy may place key in custody of officer. Seal not to be set to any writing but by order of Directors. In absence of Chairman or Deputy, not to be affixed but in presence of secretary and examiner (or their assistants), and officer in charge of key of chairs.

Section 1.—*Item*, It is ordained, that the common seal of this corporation shall be kept under three locks. That the key of one of the said locks shall be kept by the Chairman or Deputy Chairman for the time being; that the key of another of the said locks shall be kept by the secretary or his assistant; and that the key of the third lock shall be kept by the examiner of India correspondence or his assistant. That in case of the indispensable absence of the Chairman and Deputy Chairman, they be authorized to place their key in the custody of such other officer as they may select for that purpose: and that the said seal shall not be set to any writing or instrument but by an order of the Court of Directors first had for that purpose; and in the unavoidable absence of the Chairman or Deputy Chairman, not to be affixed but in the presence of the secretary and the examiner of India correspondence, or their respective assistants, and of the officer who may be in charge of the Chairman and Deputy Chairman's key.

APPENDIX.

PART III.

ACTS OF THE GOVERNMENT OF INDIA.

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ACT No. I. of 1834.

Passed by the Right Honourable the Governor-General of India in Council on the 20th November, 1834.

Be it enacted, that all acts done by the Governor-General of India in Council, or by the Vice-President of Fort William in Bengal in Council, or in pursuance of any authority given by the said Governor-General in Council, or by the said Vice-President in Council, between the 22nd of April, 1834, and the 14th of November, 1834, shall be valid and effectual to all intents and purposes, as if the said acts had been done before the said 22nd day of April, 1834.

ACT No. II. of 1834.

Passed by the Right Honourable the Governor-General of India in Council on the 20th November, 1834.

Be it enacted, that each of the Secretaries to the Government of India and to the Government of Fort William in Bengal, shall be competent to perform all the duties and to exercise all the powers which by any Act of Parliament or any regulation now in force, are assigned to the Chief Secretary to the Government of Fort William in Bengal, and that each of the Secretaries to the Government of Fort St. George and Bombay respectively shall be competent to perform all the duties, and to exercise all the powers, which by any Act of Parliament, or any regulation now in force, are assigned to the Chief Secretaries to the Governments of Fort St. George and Bombay respectively.

ACT No. IV. of 1835.

Passed by the Right Honourable the Governor-General of India in Council on the 13th March, 1835.

Be it enacted, that from the 14th day of March, 1835, all powers whatever in criminal cases which, by virtue of any law now in force, may be exercised by two justices of the peace for the town of Calcutta, shall be exercised by one such justice.

ACT No. VIII. of 1836.

Passed by the Right Honourable the Governor-General of India in Council on the 28th March, 1836.

I. It is hereby enacted, that from the 31st day of March, 1836, no person whatever shall by reason of place of birth, or by reason of descent, be incapable of being a Principal Sudder Ameen, Sudder Ameen, or Moonsif, within the territories subject to the Presidency of Fort William in Bengal.

II. And it is hereby enacted, that every British-born subject of the King, or descendant of such British-born subject, who shall be appointed a Principal Sudder Ameen, Sudder Ameen, or Moonsif, shall, in respect of all acts done by him as such Principal Sudder Ameen, Sudder Ameen, or Moonsif, be liable to the same proceedings, as well criminal as civil, and shall be amenable to the jurisdiction of the same tribunals, as if he were not of British birth or descent.

ACT No. XI. of 1836.

Passed by the Right Honourable the Governor-General of India in Council on the 9th May, 1836.

I. It is hereby enacted, that from the 1st day of June, 1836, the 107th clause of an Act of Parliament, passed in the 53rd year of King George the Third, and intituled, "An Act " for continuing in the East-India Company for a further Term the Possession of the British " Territories in India, together with certain exclusive Privileges; for establishing further " Regulations for the Government of the said Territories, and the better Administration of " Justice within the same, and for regulating the Trade to and from the Places within the " Limits of the said Company's Charter," shall cease to have effect within the territories of the East-India Company.

II. And it is hereby enacted, that from the said day and within the said territories, no person whatever shall, by reason of place of birth, or by reason of descent, be in any civil proceeding whatever excepted from the jurisdiction of any of the Courts hereinafter mentioned; that is to say,—

The Courts of Sudder Dewanny Adawlut—of the Zillah and City Judges—of the Principal Sudder Ameens—and of the Sudder Ameens, in the territories subject to the Presidency of Fort William in Bengal.

The Court of Sudder Adawlut—the Provincial Courts—the Courts of the zillah judges—of the assistant judges—of the registers—and of the native judges, in the territories subject to the presidency of Fort St. George.

The Courts of Sudder Adawlut—of the zillah judges—of the native judges—and of the principal and junior native commissioners, in the territories subject to the presidency of Bombay.

ACT No. XXIV. of 1836.

Passed by the Right Honourable the Governor-General of India in Council on the 10th October, 1836.

V. And it is hereby enacted, that from the said 1st day of November, 1836, no person shall by reason of place of birth, or by reason of descent, be excepted in any civil proceeding from the jurisdiction of the assistant judges in the territories subject to the presidency of Bombay.

ACT No. XXVIII. of 1836.

Passed by the Right Honourable the Governor-General of India in Council on the 7th November, 1836.

I. It is hereby enacted, that from the 1st day of December, 1836, no assessment made by the justices of the peace for the presidency of Fort Saint George under the authority of the Act of Parliament of the 33 George 3, cap. 52, shall be levied, until the same shall have been approved by the Governor in Council of Fort Saint George.

II. And it is hereby enacted, that it shall be lawful for the said Governor in Council of Fort Saint George, by an order in Council, to exempt any district, or portion of a district, from payment of any such assessment.

ACT No. I. of 1837.

Passed by the Right Honourable the Governor-General of India in Council on the 6th February, 1837.

It is hereby enacted, that from the 1st day of March next, it shall be lawful for any one justice of the peace for the town of Calcutta to issue a warrant of distress for the recovery of arrears of assessment accruing under the Act of Parliament 33 Geo. 3, cap. 52; and every such warrant shall have the same force as if it were under the hands and seals of two such justices.

ACT No. IV. of 1837.

Passed by the Right Honourable the Governor-General of India in Council on the 17th April, 1837.

I. It is hereby enacted, that after the 1st day of May next, it shall be lawful for any subject of his Majesty to acquire and hold in perpetuity, or for any term of years, property in land, or in any emoluments issuing out of land, in any part of the territories of the East-India Company.

II. And it is hereby enacted, that all rules which prescribe the manner in which such property as is aforesaid may now be acquired and held by natives of the said territories, shall extend to all persons who shall, under the authority of this Act, acquire or hold such property.

ACT No. VII. of 1837.

Passed by the Right Honourable the Governor-General of India in Council on the 1st May, 1837.

It is hereby enacted, that it shall be lawful for any of the Courts established by his Majesty's Charters, in any case in which such Court shall have recommended to his Majesty the granting of a free pardon to any convict, to permit such convict to be at liberty on his own recognizance.

ACT No. IX. of 1837.

Passed by the Right Honourable the Governor-General of India in Council on the 15th May, 1837.

I. It is hereby enacted, that from the 1st day of June, 1837, all immovable property situate within the jurisdiction of any of the Courts established by his Majesty's Charter, shall, as far as regards the transmission of such property on the death and intestacy of any Parsee having a beneficial interest in the same, or by the last will of any such Parsee, be taken to be and to have been of the nature of chattels real, and not of freehold.

II. Provided always, that in any suit at law or in equity which shall be brought for the recovery of such immovable property as is aforesaid, no advantage shall be taken of any defect of title arising out of the transmission of such property upon the death and intestacy of any Parsee having a beneficial interest in the same, or by the last will of any such Parsee, if such transmission took place before the said 1st day of June, 1837, and if such transmission were either according to the rules which regulate the transmission of freehold property, or else took place with the acquiescence of all persons to whom any interest in that property

would, according to the rules which regulate the transmission of chattels real, have accrued upon the death of such Parsee.

[See 21 Geo. 3, cap. 70, secs. 17 and 18, and 37 Geo. 3, cap. 142, secs. 12 and 13.]

ACT No. XXXII. of 1838.

Passed by the Honourable the President of the Council of India in Council on the 10th December, 1838.

I. It is hereby enacted and declared, that all powers whatever in criminal cases, which by virtue of any law now in force may be exercised by two justices of the peace within and for the provinces, districts, and countries of Bengal, Bahar, and Orissa, and within and for the presidency of Fort William in Bengal, and places thereto subordinate, may be exercised by one such justice.

II. And it is hereby enacted, that it shall be lawful for any one such justice to issue a warrant of distress for the recovery of arrears of assessment accruing under the Act of Parliament 33 Geo. 3, cap. 52, and every such warrant shall have the same force as if it were under the hands and seals of two justices.

III. And it is hereby enacted and declared, that all such powers heretofore exercised, and warrants issued by one such justice of the peace, shall be deemed legal and valid as if the same had been exercised or issued by two such justices.

ACT No. III. of 1839.

Passed by the Honourable the President of the Council of India in Council on the 18th February, 1839.

I. It is hereby enacted and declared, that within the British territories under the government of the East-India Company, no person whatever is or shall be, by reason of place of birth or by reason of descent, in any proceeding whatever connected with arrears or exactions of rent, excepted from the jurisdiction of the Revenue Courts, any thing in Act No. XI. of 1836 contained notwithstanding.

II. And it is hereby enacted, that no such proceeding which may have been instituted before the passing of this Act in any such Court, and no decree which may have been passed before the passing of this Act in any such proceeding by any such Court, shall be treated as invalid by reason of the place of birth, or by reason of the descent of any party to such proceeding or to such decree.

III. And it is hereby enacted, that within the said territories no person whatever shall, by reason of place of birth, or by reason of descent, be in any civil proceeding whatever connected with arrears or exactions of rent excepted from the jurisdiction of the Courts of the moonsiffs.

ACT No. XVIII. of 1840.

Passed by the Right Honourable the Governor-General of India in Council on the 10th August, 1840.

To regulate the granting and withholding Licenses for the Sale of Liquors within the Islands of Bombay and Colaba.

I. It is hereby enacted, that all powers and duties now vested by law in her Majesty's justices of the peace in Bombay with respect to granting and withholding licenses for the sale of arrack, toddy, and other spirituous and fermented liquors within the islands of Bombay and Colaba, shall from and after the passing of this Act be vested in and discharged by the collector of land revenue, and the senior magistrate of police in Bombay jointly; but the said justices at Quarter Sessions assembled shall have power in their discretion to quash such licenses, or to withdraw the same on the breach of any of the conditions thereof.

II. And it is hereby enacted, that the Honourable the Governor in Council shall have authority at all times to regulate the form of licences to be granted for the sale of arrack and other liquors aforesaid in Bombay, and to vary and add to the terms and conditions thereof.

III. And it is further enacted, that nothing herein contained shall have the effect of repealing or altering any laws now in force touching the sale of spirituous liquors in Bombay or Colaba otherwise than as such laws are hereby repealed or altered.

[See 33 Geo. 3, cap. 52, sec. 159.]

ACT No. XXIV. of 1840.

Passed by the Right Honourable the Governor-General of India in Council on the 7th December, 1840.

For amending the Law with respect to Rates for Municipal purposes within the Town of Calcutta.

This Act modified the provisions of the 33 Geo. 3, cap. 52, in regard to assessments for the town of Calcutta, but was repealed by Act No. 16 of 1847.

ACT No. X. of 1841.

Passed by the Right Honourable the Governor-General of India in Council on the 5th July, 1841.

An Act for prescribing the Rules to be observed, in order that ships or vessels belonging to ports within the territories under the Government of the East-India Company, or belonging to Native Princes or States, or their subjects, may become entitled to the privileges of British ships under a proclamation of the Governor-General of India in Council, made in pursuance of the stat. of 3 & 4 Vict. cap. 56.

The title of this Act sufficiently explains its object.

ACT No. XVI. of 1841.

Passed by the Right Honourable the Governor-General of India in Council on the 30th of August, 1841.

An Act concerning the taking of Oaths of Qualification by Justices of the Peace.

By this Act justices may take the qualifying oaths in any civil or criminal Court of justice within the places in and for which the commission may have issued.

ACT No. XIX. of 1841.

Passed by the Right Honourable the Governor-General of India in Council on the 6th of September, 1841.

An Act for the Protection of movable and immovable Property against wrongful Possession in cases of Successions.

XX. And it is hereby enacted, that whenever a person dies leaving movable or immovable property within the local limits of the jurisdiction of any of her Majesty's Supreme Courts, and such Court shall be satisfied that danger is to be apprehended of the misappropriation and waste of the property before it can be ascertained who may be legally entitled to the succession to such property, it shall be lawful for the said Court to authorize and enjoin the ecclesiastical registrar, or one or more curators, to collect such effects, and hold or deposit or invest the same in such manner and place and upon such security and subject to such orders and directions as the Court may deem expedient.

ACT No. XXII. of 1841.

Passed by the Right Honourable the Governor-General of India in Council on the 11th October, 1841.

For amending the Law with respect to Rates for Municipal Purposes within the Town of Madras.

This Act modifies the provisions of the 33 Geo. 3, cap. 52, relating to the subject mentioned, retaining the authority of the statute in matters not inconsistent with this Act.

ACT No. IV. of 1843.

Passed by the Honourable the President of the Council of India in Council on the 24th of March, 1843, with the assent of the Right Honourable the Governor-General of India.

An Act for amending the Law concerning Appeals from Justices of the Peace, and from Magistrates acting under the Statute 53 Geo. 3, cap. 155.

Whereas, in many cases provided by law, offences may be prosecuted before magistrates not acting within local limits of the jurisdiction of her Majesty's Supreme Courts, and which such magistrates may take cognizance of either in their magisterial capacity under the regulations, or as justices of the peace: And whereas the appeal from convictions before magistrates acting in their magisterial capacities, and from the like convictions before justices of the peace are subject to different rules: And whereas in all cases of convictions before justices of the peace in the Mofussil and before magistrates exercising jurisdiction under the provisions of statute 53 Geo. 3, cap. 155, in cases of assaults, forcible entries, or other injuries accompanied with force committed by British subjects, the law as to appeals requires amendment;—

I. It is hereby enacted, that an appeal shall lie from all sentences passed by any justice of the peace acting without the local limits of any of her Majesty's Supreme Courts upon convictions had before him for any offence, and from all sentences passed by any magistrate upon convictions had before him exercising such jurisdiction as aforesaid, to the same authority and subject to the same rules as are provided by the regulations and Acts of the Government in the case of sentences passed by magistrates in the exercise of their ordinary jurisdiction. And cases so made the subject of appeal shall not be afterwards liable to revision by means of a writ of certiorari.

II. And it is hereby provided, that nothing in this Act contained shall be held to take away the power of quashing any conviction by means of a writ of certiorari, in any other case than where there has been such appeal as aforesaid.

ACT No. V. OF 1843.

Passed by the Honourable the President of the Council of India in Council on the 7th of April, 1843, with the assent of the Right Honourable the Governor-General of India.

An Act for declaring and amending the Law regarding the Condition of Slavery within the Territories of the East-India Company.

I. It is hereby enacted and declared, that no public officer shall, in execution of any decree or order of Court, or for the enforcement of any demand of rent or revenue, sell or cause to be sold any person, or the right to the compulsory labour or services of any person, on the ground that such person is in a state of slavery.

II. And it is hereby declared and enacted, that no rights arising out of an alleged property in the person and services of another as a slave shall be enforced by any civil or criminal Court or magistrate within the territories of the East-India Company.

III. And it is hereby declared and enacted, that no person who may have acquired property by his own industry, or by the exercise of any art, calling, or profession, or by inheritance, assignment, gift, or bequest, shall be dispossessed of such property or prevented from taking possession thereof on the ground that such person or that the person from whom the property may have been derived was a slave.

IV. And it is hereby enacted, that any act which would be a penal offence if done to a free man, shall be equally an offence if done to any person on the pretext of his being in a condition of slavery.

ACT No. VI. OF 1843.

Passed by the Honourable the President of the Council of India in Council on the 21st of April, 1843, with the assent of the Right Honourable the Governor-General of India.

An Act for amending the Law concerning the Jurisdiction and Procedure of the Courts of Ameens and Moonsiffs.

VII. And it is hereby enacted, that no person whatever shall, by reason of place of birth, or by reason of descent, be in any civil proceeding whatever exempted from the jurisdiction of the Courts of the Moonsiffs, in the territories subject to the presidency of Fort William in Bengal.

ACT No. XI. of 1844.

Passed by the Right Honourable the Governor-General of India in Council on the 18th of May, 1844.

An Act for the Improvement of the Administration of Justice and Despatch of Business in the Supreme Court of Judicature at Fort William in Bengal.

This Act allows a single judge of the Supreme Court to sit apart for the despatch of criminal business while the other judges are engaged in other business; and also enacts that the Court may transact out of term all business that may be transacted in term.

ACT No. XII. of 1844.

Passed by the Right Honourable the Governor-General of India in Council on the 25th of May, 1844.

An Act for better securing the Observance of an exact Discipline in the Indian Navy.

The title of this Act sufficiently explains its purpose. It is amended by Act No. 27 of 1848; No. 14 of 1849 also relates to its subject.

ACT No. VI. of 1845.

Passed by the Governor-General of India in Council on the 5th of April, 1845.

An Act to amend the Law regarding the Issue of Commissions of the Peace.

This Act enables the Supreme Courts at all the presidencies to issue a separate commission to any person appointed to act as justice of the peace by the executive Government.

ACT No. XI. of 1845.

Passed by the Governor-General of India in Council on the 24th of May, 1845.

An Act for the better Collection, Management, and Disbursement of certain Public Funds and Monies for Police and Municipal purposes throughout the Islands of Bombay and Colaba.

This Act touches on the provisions contained in the 33 Geo. 3, cap. 52, sec. 158.

ACT No. XIII. of 1845.

Passed by the Governor-General of India in Council on the 28th June, 1845.

An Act for extending the power of the Supreme Court of Judicature at Bombay in regard to the Admission and Enrolment of Persons to act as Attornies of the said Court.

Before the passing of this Act, the Supreme Court at Bombay could admit to practise as attornies or solicitors only practitioners who had been admitted in one of the Courts at Westminster. The present Act allows the admission and enrolment of other capable persons.

ACT No. XX. of 1845.

Passed by the Governor-General of India in Council on the 6th of September, 1845.

An Act providing Articles of War for the Government of the Native Officers and Soldiers in the Military Service of the East-India Company.

This Act is repealed by Act No. 19 of 1847, which contains the Articles of War now in force.

ACT No. XXVIII. of 1845.

Passed by the Honourable the President of the Council of India in Council on the 27th December, 1845, with the assent of the Right Honourable the Governor-General of India.

An Act for the Improvement of the Administration of Justice and Despatch of Business in the Supreme Court of Judicature at Fort Saint George.

This Act effects in the Supreme Court of Fort Saint George the same changes that were made in the Supreme Court of Fort William by Act No. 11 of 1844.

ACT No. XVI. of 1847.

Passed by the Honourable the President of the Council of India in Council on the 23rd of October, 1847, with the assent of the Right Honourable the Governor-General of India.

For constituting Commissioners for the Improvement of the Town of Calcutta partly by appointment of the Government and partly by election of the Rate-payers.

This Act modified the provisions contained in section 158 of 33 Geo. 3, cap. 52, and repealed the Indian Act No. 24 of 1840, by which the abovenamed section of the Act of the British Parliament had been previously modified, but was itself repealed by Act No. 10 of 1852.

ACT No. XIX. of 1847.

Passed by the Governor-General of India in Council on the 18th of December, 1847.

An Act to make certain Amendments in the Articles of War for the Government of the Native Officers and Soldiers in the Military Service of the East-India Company.

The title of this Act sufficiently explains its nature and object.

ACT No. XXI. of 1847.

Passed by the Right Honourable the Governor-General of India in Council on the 18*th of December*, 1847.

An Act for the Improvement of the Administration of Justice and Despatch of Business in the Supreme Court of Judicature at Bombay.

This Act extends to the Supreme Court of Bombay the same alterations which were effected in the Supreme Court of Fort Saint George by Act No. 28 of 1845, and in the Supreme Court of Fort William by Act No. 11 of 1844.

ACT No. IV. of 1848.

Passed by the Right Honourable the Governor-General of India in Council on the 26*th of February*, 1848.

An Act for regulating Coroners' Juries.

The title requires no explanation.

ACT No. VI. of 1848.

Passed by the Right Honourable the Governor-General of India in Council on the 4*th of March*, 1848.

An Act for equalizing the Duties on Goods imported and exported on Foreign and British Bottoms, and for abolishing the Duties on Goods carried from Port to Port in the Territories subject to the Government of the East-India Company.

I. It is hereby enacted, that from and after the twenty-fifth day of March, 1848, all goods imported on foreign bottoms by sea into any port of the presidencies of Fort William in Bengal, Fort Saint George, or Bombay, shall be charged only with the same rates of duty as such goods would now by law be charged with, if such goods were imported into any of the said ports on British bottoms, anything in any Act of the Council of India contained to the contrary notwithstanding.

II. And it is hereby enacted, that from and after the said day, all goods exported on foreign bottoms by sea, from any port of the said presidencies, shall be charged only with the same rates of duty as such goods would now by law be charged with, if such goods were exported from any of the said ports on British bottoms, anything in any Act of the Council of India contained to the contrary notwithstanding.

III. And it is hereby enacted, that from and after the said day, no duty shall be charged on any goods lawfully carried from any port in the territories subject to the Government of the East-India Company, to any other port in the said territories, anything in any Act of the Council of India contained to the contrary notwithstanding.

IV. Provided always, that nothing in this Act contained shall apply to the articles of salt or opium.

ACT No. VII. of 1848.

Passed by the Right Honourable the Governor-General of India in Council on the 25th of March, 1848.

An Act to except certain free Ports from the Operation of Section 3, *Act No.* 6 *of* 1848, *and otherwise to amend that Act.*

I. In modification of section 3, Act No. 6 of 1848, it is hereby enacted, that the provisions of the said section shall not apply to goods exported from any part of the territories subject to the Government of the East-India Company, to any of the ports in the Straits of Malacca, or to any of the ports in the Tenasserim provinces, or to any of the ports in the province of Arracan, nor to goods imported from any of those ports into any port of the said territories.

II. And it is hereby enacted, that no drawback shall be allowed on the re-export of goods from any port in the territories subject to the Government of the East-India Company, to any other port in the said territories to which the operation of section 3, Act No. 6 of 1848, may extend.

ACT No. XV. of 1848.

Passed by the Governor-General of India in Council on the 17th June, 1848.

An Act to forbid trading by the Officers of the Supreme Courts.

For the better discharge of their duties by the officers of the under-mentioned Courts of Justice, it is enacted as follows:

I. No officer of any of the Courts of Judicature established by Royal Charter within the territories subject to the Government of the East-India Company, or of any Court established for the relief of insolvent debtors within the said territories, shall directly or indirectly, by himself, or by any other person or persons on his behalf, accept from any person or persons any gift or reward for any act or behaviour in his office other than his legal salary and fees and profits of office, or hold any office in any bank or public company, except as hereinafter excepted, or carry on or be concerned in any dealings as a banker or trader, or as agent, factor, or broker, either for his own advantage, or for the advantage of any other person or persons, except such dealings as it may be part of the duty of any such officer by virtue of his office to carry on.

II. This Act shall not be construed to forbid any officer of any of the said Courts, who is also a practising advocate, attorney, solicitor, or proctor in any of the said Courts, from taking the usual fees and emoluments of advocates, attornies, solicitors, or proctors, nor to apply to any advocate, attorney, solicitor, proctor, sheriff, assignee, receiver, or committee, so far as he is held to be in that capacity merely for some purposes an officer of any of the said Courts.

III. This Act shall not be construed to forbid any officer of any of the said Courts from holding any unpaid office in any society for charitable purposes, or for the advancement of knowledge, or for the encouragement of science, art, or manufactures.

IV. Every officer of any of the said Courts who shall knowingly offend against this Act shall, on conviction thereof, be liable to be punished by deprivation of his office, and also, by the sentence of the Court before which he shall be convicted, may be declared incapable, and in that case shall become incapable of being appointed to the same or any other office of the same Court, or to serve her Majesty or the East-India Company in the territories under the Government of the East-India Company, or in such part of the said territories as shall be specified in the sentence; or, in the discretion of the Court, may be otherwise punished by fine or fine and imprisonment for his misdemeanor, as to the Court shall seem fit, regard being had to the nature of his offence.

ACT No. XXVII. of 1848.

Passed by the Honourable the President of the Council of India in Council on the 30th December, 1848.

An Act to amend the Act XII. of 1844.

The Act amended is intituled, "An Act for better securing the "Observance of an exact Discipline in the Indian Navy," and is to be construed with this as one Act.

ACT No. VII. of 1849.

Passed by the Honourable the President of the Council of India in Council on the 7th April, 1849.

An Act for the Appointment of an Administrator-General in Bengal.

Whereas it is expedient to disconnect the administration of the estates of British subjects dying intestate in the presidency of Fort William in Bengal from the office of Ecclesiastical Registrar of the Supreme Court, and to appoint an administrator-general there; it is enacted as follows:

I. Whenever, after the passing of this Act, any British subject shall die intestate within the presidency of Fort William in Bengal, or the territories which are or shall be subordinate to the said presidency, and on the return of the citation issued from the proper eccle-

siastical court, no next of kin shall appear and make out their claim to the administration of the effects of the deceased to the satisfaction of the said Court, and also, whenever the executor or executors appointed by the will of any British subject dying therein, shall refuse to prove the will, the administrator-general created by this Act shall, except in the case hereinafter excepted, apply for, and the said Court shall grant to him, instead of the ecclesiastical registrar, such letters of administration or *ad colligenda bona* as to such Court shall seem meet; by virtue whereof the said administrator-general shall collect the assets of the deceased, and account for them as herein provided.

II. All letters of administration or *ad colligenda bona*, granted to the Ecclesiastical Registrar of the Supreme Court, and all probates granted to such officer, of wills, appointing the Ecclesiastical Registrar of the Supreme Court, by that description, or him and his successors, executors thereof, and all estates, effects, and interests vested in the said ecclesiastical registrar by virtue thereof; and all books, papers, and documents belonging to him or in his possession, or under his control by virtue of such letters or probates, shall, by this Act, and without other grant, be transferred to the administrator-general by this Act created; who shall be, to all intents and purposes, such administrator, executor, or grantee, in his new character of administrator-general, as the Ecclesiastical Registrar of the Supreme Court was; and shall have all the same powers as the said ecclesiastical registrar might exercise at the time of the passing of this Act, as such administrator, executor, or grantee.

III. The ecclesiastical registrar at the time of the passing of this Act shall be the first administrator-general, and upon the passing of this Act shall cease to be ecclesiastical registrar; and as such administrator-general shall be entitled to receive or retain all commissions to which he was entitled as ecclesiastical registrar at the time of the passing of this Act on any such grants as aforesaid.

IV. On all future vacancies of the office, the administrator-general shall be appointed by the Governor-General of India in Council.

V. After the passing of this Act, the administrator-general shall not be deemed, in that capacity, an officer of the said Supreme Court, and shall not be otherwise accountable to it than any ordinary executor, administrator, or grantee of letters *ad colligenda bona*, as the case may be.

VI. Every administrator-general shall give security, by bond, to the East-India Company, himself for one lac of rupees, with two or more sureties, jointly and severally, for another lac of rupees, for the due execution of his said office; and shall not be required by the said Supreme Court to enter into any administration bond, or to give other security to that Court on the grant of any such letters as aforesaid.

VII. The administrator-general shall receive, for the discharge of his duties as such administrator-general, under all such grants of letters as aforesaid made after the passing of this Act, or on probates of wills so granted after the passing of this Act, wherein he is named executor, by virtue of his office, instead of the commission heretofore received by the ecclesiastical registrar, a commission calculated after the rate of three rupees in every hundred rupees which he shall actually distribute, or which he shall set apart and invest as herein provided, for the benefit of the parties ultimately entitled thereto, if the same are not immediately payable; and, out of the said commission of three rupees in the hundred, shall defray the expenses of the necessary establishment, and all other charges to which the said office may be subject.

VIII. No person, other than the administrator-general, shall be entitled to charge any commission or agency as executor of any will of which probate shall have been granted in the said presidency after the passing of this Act, or as administrator of any effects whereof administration shall have been granted in the said presidency after the passing of this Act; but this enactment is not to be deemed to hinder any executor from having the benefit of any legacy bequeathed to him, either of a specific sum or residuary bequest, or by way of commission, or in any other manner.

IX. The assets belonging to the estates administered by the said administrator-general shall be kept by him in the treasury of the East-India Company, or otherwise kept and invested by him in such manner as the Governor-General of India in Council shall from time to time order; which order shall be published in the *Calcutta Gazette*, and shall be full authority, protection, and indemnity in all Courts whatsoever for such keeping and investing.

X. The said administrator-general shall enter into books to be kept by him for that purpose, separate and distinct accounts of each estate, and of all such sums of money, bonds, and other securities for money, goods, effects, and things, as shall come to his hands or to the hands of any person employed by him, or in trust for him under this Act; and likewise of all payments made by him on account of the said estates, and of all debts due by or to the same, specifying the dates of such receipts and payments respectively; which said books shall be kept in the administrator-general's office, and shall be open for the inspection of all such persons, practitioners in the said Court and others, as may have occasion to inspect the same, at office hours; paying only such reasonable fee as may be from time to time fixed therefore by the Governor-General of India in Council, and published in the *Calcutta Gazette*.

XI. The administrator-general shall twice in every year, that is, on the first day of March and on the tenth day of August, or on the first day on which the said Court shall be sitting after those days, exhibit and deliver, in open court, a true schedule showing the gross amount of all sums of money received or paid by him on account of each estate in his charge, and the balances during the period of six months ending severally on the thirty-first day of December and thirtieth day of June next before the day of delivering such schedule; and a true list of all bonds or other securities received on account of each of the said estates during the same period; and also a true schedule of all administrations whereof the final balances shall have been paid over to the persons entitled to the same, during the same period, specifying the amount of such balances, and the persons to whom paid; which schedules shall be filed of record in the said Court, and shall, within fourteen days afterwards, be published in the *Calcutta Gazette* by the said administrator-general; and copies thereof in triplicate shall be delivered to the secretary of the said presidency, and sent by the governor of the said presidency to the Court of Directors of the East-India Company for publication in the *London Gazette*.

XII. The Governor-General of India in Council shall from time to time appoint an auditor or auditors to examine the accounts of the administrator-general at the time of the delivery of the said schedules, and also at any other time when the Governor-General of India in Council shall think fit.

XIII. The auditor or auditors shall examine the schedules and accounts, and report to the said Governor-General of India in Council whether they contain a full and true account of everything which ought to be inserted therein, and whether the books by this Act directed to be kept by the administrator-general, are duly and regularly kept, and whether the assets are duly kept and invested in such manner as is by law prescribed.

XIV. Every auditor shall have power to summon as well the administrator-general as any other person or persons whose presence he may think necessary, to attend him from time to time; and to examine the administrator-general or other party or parties, if he shall think fit, on oath or solemn affirmation to be by him administered; and to call for all books, papers, and documents, which may appear to him to be necessary for the purposes of the said reference: and if the administrator-general, or other person or persons, when summoned, shall refuse or without reasonable cause neglect to attend, or to produce any books, papers, or documents required, or shall attend and refuse to be sworn, or make a solemn affirmation when by law an affirmation may be substituted for an oath, or shall refuse to be examined, the auditor or auditors shall certify such neglect or refusal in writing to the Supreme Court of Judicature at Fort William in Bengal; and every person so refusing or neglecting shall thereupon be punishable, in like manner as if such refusal or neglect had been in contempt of the said Supreme Court.

XV. The costs and expenses of preparing and publishing the said schedules and copies thereof, and of every such reference and examinat on, shall be defrayed proportionably by all the estates, the accounts of which are then under examination; which costs and proportions shall be ascertained and settled by the auditor or auditors, subject to the approval of the Governor-General of India in Council, and shall be paid out of the said estates, accordingly, by the administrator-general.

XVI. If upon any such reference and examination the auditor or auditors shall see reason to believe that the said schedules do not contain a true and correct account of the matters therein, or which ought to be therein contained, he or they shall report accordingly to the Governor-General of India in Council, specifying the substance of the objections thereto.

XVII. The Governor-General of India in Council shall refer every such report, as last aforesaid, to the consideration of the advocate-general of the East-India Company in Bengal, who shall thereupon, if he shall think fit, proceed summarily by petition for an account against the said administrator-general, or against the late administrator-general, after his removal from office, or against his personal representatives in case of his death, in respect of all or any of the estates then or formerly under his care, as the said advocate-general shall think fit; and shall have power to exhibit interrogatories to the said administrator-general, or other person or persons defendants, who shall be bound to answer the same as fully as if the same had been contained in a bill filed for the like purpose; and the Court shall have power on any such petition filed to examine orally the parties before it and all witnesses, or to refer the accounts to be taken in the ordinary way.

XVIII. The costs of the reference and examination, and those of the advocate-general, when such are directed to be paid, shall be defrayed either by the defendant or defendants, in case he or they shall be decreed to pay the costs, or out of the estates ratably as the said Court shall direct; and whenever the costs of any reference and examination shall be recovered from the defendant or defendants, the same shall be repaid to the estates by which the same were in the first instance contributed, and the Court shall have power to order the administrator-general, or other person or persons defendants, to receive his or her costs out of the said estates, if it shall think fit.

XIX. The said Court shall have power on such petition to make such original and subsequent orders as upon a bill filed; and such orders shall have the same effect, and be executed in the same manner as decretal orders.

XX. Whenever any British subject shall die within the said presidency intestate, and letters of administration to his or her effects shall not be taken out for three months after the death, and the administrator-general shall be satisfied that such effects do not exceed in the whole five hundred rupees, he may, if he shall think fit, grant,—to any person claiming to be entitled to a principal share of the effects of the deceased,—certificates under his hand, entitling the claimant to receive the sums or securities for money therein severally mentioned belonging to the effects of the deceased, to the value of any sum not exceeding in the whole five hundred rupees.

XXI. The administrator-general shall not be bound to grant any such certificate unless he is satisfied of the title of the claimant, and of the value of the effects of the deceased, either by the oath or affidavit of the claimant, or by such other evidence as he shall require.

XXII. Any such certificate, with a receipt annexed under the hand of the person to whom the certificate is granted, shall be a full receipt and discharge for payment or delivery to him or her of the money or security for money therein mentioned, with respect to the claim of any other person upon the person paying or delivering the same: but any next of kin or representative or creditor of the deceased shall have remedy for recovery thereof against the person receiving the same.

XXIII. The administrator-general shall not be bound to take out letters of administration to the effects of any deceased person on account of whose estate he shall grant any such certificate, but may do so if he shall discover any fraud or misrepresentation made to him, or that the value of the estate exceeded five hundred rupees.

XXIV. For every such certificate the administrator-general shall be entitled to charge a fee calculated after the rate of three rupees in the hundred on the amount mentioned in the certificate.

XXV. Every person who, having been sworn, or having taken a solemn affirmation under this Act, shall wilfully give false testimony upon any examination authorized by this Act, shall be deemed guilty of perjury; and if convicted thereof, shall be liable to fine and imprisonment, or to fine or imprisonment, which imprisonment may be at the discretion of the Court, with or without hard labour, and may extend to two years.

ACT No. IX. of 1849.

Passed by the Honourable the President of the Council of India in Council on the 12th May, 1849.

An Act for enabling one Police Magistrate to exercise in certain cases the Powers of two Justices in the Presidency of Fort Saint George.

This Act applies to the presidency of Madras the provisions of the Acts of the Government of India, No. 4, 1835; No. 1, 1837; and No. 32, 1838.

ACT No. XI. of 1849.

Passed by the Honourable the President of the Council of India in Council on the 11th August, 1849, with the assent of the Most Noble the Governor-General of India.

For securing the Abkaree Revenue of Calcutta.

By this Act part of section 159 of 33 Geo. 3, cap. 52, is superseded.

ACT No. XIV. of 1849.

Passed by the Honourable the President of the Council of India in Council on the 25th August, 1849, with the assent of the Most Noble the Governor-General of India.

To punish tampering with the Army or Navy.

This Act may be considered supplementary to previous Acts regulating the army and navy in India.

ACT No. II. of 1850.

Passed by the Honourable the President of the Council of India in Council on the 11th January, 1850, with the assent of the Most Noble the Governor-General of India.

An Act to amend and extend to Madras and Bombay Act No. 7, 1849.

Whereas it is expedient to make new provisions for regulating the administration of the estates of British subjects dying intestate in the several presidencies of Fort Saint George and Bombay, it is enacted as follows :

I. Act No. 7, 1849, shall be extended and apply to the several presidencies of Fort Saint George and Bombay, subject to the alterations hereafter contained, as if, with reference to each of the said presidencies, such presidency were named therein instead of Bengal and Fort William in Bengal, and the Governor of such presidency in Council instead of the Governor-General of India in Council, and the chief town of such presidency instead of Calcutta.

II. The administrator-general at Fort Saint George and Bombay respectively shall not cease to be ecclesiastical registrar of the Supreme Court there by virtue of this Act ; and the two officers of ecclesiastical registrar and administrator-general may be held at Fort Saint George or Bombay respectively, by the same person.

III. The altered rate of commission receivable by the administrator-general at Fort Saint George and Bombay respectively, under Act 7, 1849, and this Act, shall not take effect until such alteration shall be directed by the Governor of Fort Saint George and Bombay in Council respectively ; until which several times the same rate of commission may be lawfully taken there by the administrator-general, as might have been taken by the ecclesiastical registrar before the passing of this Act.

IV. It is and is declared to be a misdemeanor, punishable by fine and imprisonment, for any administrator-general, in any of the presidencies of Fort William in Bengal, Fort Saint George, and Bombay, to trade or traffic for his own benefit, or for the benefit of any other person or persons whomsoever, unless so far as appears to him expedient for the due management of the estates administered by him, and for the sole benefit of the several persons entitled to the proceeds of such estates respectively ; but this exception is not to be construed to alter the civil liabilities of the administrator-general as trustee for the estates administered by him.

ACT No. III. of 1850.

Passed by the Honourable the President of the Council of India in Council on the 11th January, 1850, with the assent of the Most Noble the Governor-General of India.

An Act for amending the Law concerning the Jurisdiction of the Courts of Sudder Ameens and District Moonsiffs, in the Presidency of Fort Saint George.

In modification of section 2 of Act 11, 1836, it is enacted as follows:

I. After the passing of this Act, no person whatever shall, by reason of place of birth, or by reason of descent, be in any civil proceeding whatever exempt from the jurisdiction of the Courts of the Sudder Ameens and District Moonsiffs, in the territories subject to the presidency of Fort Saint George.

ACT No. V. of 1850.

Passed by the Governor-General of India in Council on the 8th of March, 1850.

An Act for Freedom of the Coasting Trade of India.

This Act provides that

I. Goods and passengers may be conveyed from one part of the territories under the Government of the East-India Company to another part thereof, in other than British ships, without any restriction, other than is or shall be equally imposed on British ships, for securing payment of duties of customs or otherwise.

ACT No. IX. of 1850.

Passed by the Governor-General of India in Council on the 15th of March, 1850.

An Act for the more easy Recovery of Small Debts and Demands in Calcutta, Madras, and Bombay.

This Act affects certain provisions in 37 Geo. 3, cap. 142, and 39 & 40 Geo. 3, cap. 79.

ACT No. XI. of 1850.

Passed by the Governor-General of India in Council, on the 15th of March, 1850.

An Act to amend Act X. 1841.

For amendment of Act X. 1841, it is enacted as follows:

I. Section XIII. of Act X. 1841, is repealed.

II. The passes which, under section XXIV. of the said Act, may be issued for conferring the privileges and advantages of a British ship, in certain cases, to any ship or vessel built within the dominions of a native prince or state in subordinate alliance with, or having subsidiary treaties with the East-India Company, may, after the passing of this Act, be issued in the like cases, and under the same restrictions, to any ship or vessel belonging to any such native prince or state, or their subjects, wherever the same may have been built.

III. All ships or vessels, of whatever rig and of whatever tonnage, owned by British subjects, entitled to registry under Act X. 1841, or owned by such native princes or states, or by their subjects entitled to passes under Act X. 1841, as amended by this Act, employed only in coasting voyages, or between any port of the continent of India and the island of Ceylon, may be registered and obtain passes, and the tonnage may be marked, according to such rules as shall be made from time to time by the Governor or Governor in Council of each presidency.

Section IV. prescribes fees.

ACT No. XXI. of 1850.

Passed by the Governor-General of India in Council on the 11th April, 1850.

An Act for extending the Principle of Section IX. Regulation VII. 1832, of the Bengal Code, throughout the Territories subject to the Government of the East-India Company.

Whereas it is enacted by section IX., regulation VII. 1832, of the Bengal Code, that "whenever in any civil suit the parties to such suit may be of different persuasions, when one "party shall be of the Hindoo and the other of the Mahommedan persuasion: or where one or "more of the parties to the suit shall not be either of the Mahommedan or Hindoo persuasions; "the laws of those religions shall not be permitted to operate to deprive such party or parties "of any property to which, but for the operation of such laws, they would have been "entitled;" and whereas it will be beneficial to extend the principle of that enactment throughout the territories subject to the Government of the East-India Company, it is enacted as follows:

I. So much of any law or usage now in force within the territories subject to the Government of the East-India Company, as inflicts on any person forfeiture of rights or property, or may be held in any way to impair or affect any right of inheritance, by reason of his or her renouncing, or having been excluded from the communion of any religion, or being deprived of caste, shall cease to be enforced as law in the Courts of the East-India Company, and in the Courts established by Royal Charter within the said territories.

ACT No. XXXVI. of 1850.

Passed by the Honourable the President of the Council of India in Council on the 4th October, 1850, with the assent of the Most Noble the Governor-General of India.

An Act to amend the 113th Article of War for the Native Army.

The title of this Act sufficiently explains its purpose.

ACT No. V. of 1851.

Passed by the Honourable the President of the Council of India in Council on the 6th June, 1851, with the assent of the Most Noble the Governor-General of India.

For Relief of certain Sufferers by the Insolvency of Sir Thomas Turton, Baronet.

The object of this Act is to be effected by transferring to the account of the East-India Company, for the general purposes of Government, the net proceeds of all estates under the control of the registrar on the 1st January, 1836, and which remained unclaimed in the custody of the administrator-general at the time of passing this Act, and also the net proceeds of all estates which should subsequently continue in his custody unclaimed for fifteen years. Out of these funds satisfaction is to be made of the claims established against Sir Thomas Turton, as Registrar of the Ecclesiastical Court. The Home authorities having disallowed part of the Act relating to certain claims set forth in schedules attached to a report to the Supreme Court of Fort William by commissioners appointed by the said Court, so much of the Act was repealed by Act No. 13 of 1851.

ACT No. V. of 1852.

Passed by the Honourable the President of the Council of India in Council on the 16th January, 1852, with the assent of the Most Noble the Governor-General of India.

An Act for giving effect to the Provisions of an Act of Parliament passed in the 15th year of the Reign of her present Majesty, intituled " An Act for Marriages in India."

The title of this Act is sufficiently explicit to render further remark unnecessary.

ACT No. X. of 1852.

Passed by the Governor-General of India in Council on the 6th February, 1852.

For constituting Commissioners for the Improvement of the Town of Calcutta.

This Act refers to certain provisions of 33 Geo. 3, cap. 52.

ACT No. XIX. of 1852.

Passed by the Governor-General of India in Council on the 19th March, 1852.

An Act for securing the Abkarry Revenue of Madras.

This Act voids so much of section 159 of 33 Geo. 3, cap. 52, as relates to the sale of spirituous liquors in the town of Madras.

ACT No. VII. of 1853.

Passed by the Governor-General of India in Council on the 15th April, 1853.

An Act to extend the Jurisdiction of Magistrates, under the 53 Geo. 3, cap. 155, sec. 105, in cases of assaults, forcible entries, and other injuries accompanied with force, not being felonies.

Whereas by an Act passed in the 53rd year of the reign of King George the Third, it was enacted amongst other things that it should be lawful for any native of India resident in the East-Indies, or parts therein mentioned, and out of the towns of Calcutta, Madras, and Bombay, in case of any assault, forcible entry, or other injury accompanied with force, not being felony, alleged to have been done against his person or property by a British subject, to complain of such assault, forcible entry, or other injury accompanied with force, not being felony, to the magistrate of the zillah or district where the alleged offender should be resident, or in which such offence should have been committed, and that such magistrate should have the power and authority therein mentioned: and whereas natives of India, resident in the East-Indies, upon complaints preferred by them under the aforesaid provisions of the said Act, may be prevented from obtaining redress under the same, by reason of their inability to prove the place of their birth: and whereas it is expedient to extend the aforesaid provisions of the said Act as amended by Act IV. 1843, to cases of assaults, forcible entries, and other injuries accompanied with force, not being felonies, committed in any part of the territories under the Government of the East-India Company, not being within the said towns of Calcutta or Madras, or the islands of Bombay and Colaba, or the settlement of Prince of Wales' Island, Singapore, and Malacca, against the person or property of any person whatever, whether a native of India or not; it is enacted as follows:—

I. The provisions of the said Act of the 53 George 3, and of Act IV. 1843, so far as the said provisions extend to cases of assault, forcible entries, or other injuries accompanied with force, not being felonies, against the person or property of any native of India, are hereby extended to the case of any assault, forcible entry, or other injury accompanied with force, not being felony, which may at any time hereafter be committed in any part of the territories under the Government of the East-India Company, not being within the said towns of Calcutta or Madras, the said islands of Bombay and Colaba, or the said settlement of Prince of Wales' Island, Singapore, and Malacca, by any British subject or other person, against the person or property of any person whatever.

II. The powers in such cases given to the magistrate of the zillah or district, may be lawfully exercised by any joint magistrate or other person lawfully exercising the powers of a magistrate, in the case of any such offence as aforesaid, which may hereafter be committed within the district over which his authority extends.

ACT No. XIV. of 1853.

Passed by the Governor-General of India in Council on the 21st October, 1853.

An Act for regulating the Collection and Distribution of the Effects of Officers, Seamen, and others dying in the Marine Service of the East-India Company called the Indian Navy.

The title explains the purpose of this Act.

ACT No. III. of 1854.

Passed by the Governor-General of India in Council on the 3rd February, 1854.

An Act to amend the 38th Article of War for the Native Army.

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